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GOVERNMENT OF KERALA

Taxes (A) Department

NOTICE

Of the sale of the privilege of vending Toddy, Arrack and Foreign Liquor including Cocobrandy in independent Retail Shops and Foreign Liquor in Wholesale Shops during the period from 1st April 1983 to 31st March 1984.

G.O. (MS) No. 13/83/TD. *Dated, Trivandrum 25th February,* 1983.

S.R.O. No. 245/83 By virtue of the powers conferred by section 18-A of the Abkari Act, 1 of 1077 and rule 4 of the Kerala Abkari Shops (Disposal in Auction) Rules, 1974, and all other powers vested in the Government in this behalf, notice is hereby given that the privilege of vending Toddy, Arrack and Foreign Liquor including Cocobrandy during the period from 1st April, 1983 to 31st March, 1984 in independent retail shops specified in paragraph 2 below and Foreign Liquor in independent wholesale shops specified in paragraph 3 below excluding the Forein Liquor Wholesale Shops specifically earmarked for the Kerala State Civil Supplies Corporation,

Limited, within the Excise Ranges shown below will be put to public auction at the places mentioned against them or at such other places as may be notified in the respective Excise Division Offices, on the dates shown against each.

PROGRAMME OF AUCTION (RANGE-WISE)

	Name of Range	*Date of auction*	*Place of auction*
	(1)	(2)	(3)
	TRIVANDRUM DISTRICT		
1	Kazhakkuttam	10-3-1983	Excise Division Office, Trivandrum.
2	Trivandrum		
3	Chirayinkil		
4	Varkala		
5	Nedumangadu	15-3-1983	do.
6	Vamanapuram		
7	Amaravila		
8	Neyyattinkara		
9	Kattakkada		
	QUILON DISTRICT		
1	Quilon	11-3-1983	Excise Division Office, Quilon.
2	Chathannur		
3	Karunagapally		
4	Kunnathur		
5	Pathanamthitta	15-3-1983	do.
6	Ranni		
7	Kottarakkara		
8	Chadayamangalam		
9	Pathanapuram		
	ALLEPPEY DISTRICT		
1	Alleppey	14-3-1983	Excise Division Office, Alleppey.
2	Kayamkulam		
3	Sherthalai		
4	Thiruvalla		
5	Karthikapally	16-3-1983	do.
6	Kuttanad		
7	Chengannur		
8	Mavelikkara		
9	Kuthiathodu		

(1)		(2)	(3)
KOTTAYAM DISTRICT			
1	Kottayam	10-3-1983	Excise Division Office, Kottayam.
2	Pampady		
3	Changanacherry		
4	Kuravilangad		
5	Palai		
6	Ettumanoor		
7	Kanjirapally	15-3-1983	do.
8	Erattupettah		
9	Vaikom		
10	Kaduthuruthy		
IDUKKI DISTRICT			
1	Devicolam	14-3-1983	Excise Division Office, Thodupuzha
2	Adimali		
3	Udumbanchola		
4	Thodupuzha	15-3-1983	do.
5	Kattappana		
6	Peerimade		
7	Vandiperiyar		
ERNAKULAM DISTRICT			
1	Ernakulam	10-3-1983	Excise Division Office, Ernakulam
2	Trippunithura		
3	Mattancherry		
4	Parur		
5	Ankamaly		
6	Alwaye		
7	Mamala		
8	Piravom	14-3-1983	do.
9	Muvattupuzha		
10	Kothamangalam		
11	Perumbavoor		
12	Varapuzha		
13	Narakkal		

(1)		(2)	(3)
TRICHUR DISTRICT			
1	Chavakkad	9-3-1983	Excise Division Office, Trichur
2	Vadanappally		
3	Cherppu		
4	Anthikad		
5	Kunnamkulam		
6	Kodungallur		
7	Trichur	10-3-1983	do.
8	Irinjalakuda		
9	Chalakudy		
10	Mala		
11	Wadakkancherry		
12	Pazhayannur		
PALGHAT DISTRICT			
1	Palghat	11-3-1983	Excise Division Office, Palghat
2	Pattambi		
3	Nemmara		
4	Kuzhalmannam		
5	Alathur		
6	Kollengode		
7	Ottapalam	16-3-1983	do.
8	Thrithala		
9	Parali		
10	Chittur		
11	Mannarghat		
MALAPPURAM DISTRICT			
1	Perintalmanna	11-3-1983	Excise Division Office, Malappuram
2	Ponnani		
3	Manjeri		
4	Nilambur		
5	Kalikavu		
6	Malappuram		
7	Parappanangadi		
8	Tirur		
KOZHIKODE DISTRICT			
1	Kozhikode	9-3-1983	Excise Division Office, Kozhikode
2	Feroke		
3	Kunnamangalam		
4	Balussery		

(1)		(2)	(3)
5	Badagara	16-3-1983	Excise Division Office, Kozhikode
6	Nadapuram		
7	Quilandy		
8	Thamarassery		
	Wynad District		
1	Kalpetta	10-3-1983	Excise Division Office, Kalpetta
2	Mananthavady		
3	Sultan Battery		
	Cannanore District		
1	Cannanore	9-3-1983	Excise Division Office, Cannanore
2	Pappinissery		
3	Thaliparamba		
4	Sreekantapuram		
5	Mattannur		
6	Kasargode		
7	Nileswar		
8	Tellicherry	16-3-1983	do.
9	Peravoor		
10	Kuthuparamba		
11	Payyannur		
12	Hosdrug		
13	Kumbala		

2. The number of independent retail shops for the sale of toddy, arrack and foreign liquor including cocobrandy in each of the Ranges and also the limits within which the shops are to be located will be the same as fixed in the schedule annexed to the notification G.O. (MS) No.21/81/TD dated 27th February 1981, published as S.R.O. No. 295/81 in the Kerala Gazette Extraordinary No. 177 dated the 7th March 1981 as modified by notification G.O. (MS) No. 17/82/TD dated the 27th February, 1982

published as S.R.O. No. 288/82 in the Kerala Gazette Extraordinary No. 132 dated the 27th February, 1982 and subject to the following further modifications, namely:—

MODIFICATIONS

In the schedule to the said notification,—

I in the entries relating to Arrack Shops,—

1. under the heading "കൊല്ലം ഡിവിഷൻ"—

(a) in the entries relating to "കൊല്ലം റേഞ്ച്", under the sub-heading "കൊല്ലം താലൂക്ക്-ചാരായം",—

(i) after the words "തെക്ക് കച്ചേരിമുക്കിൽനിന്നും ആലപ്പുഴയ്ക്കുള്ള റോഡ്" in column (5) against shop No. 3, the words and brackets "(റോഡിനിരുവശവും ഉൾപ്പെടെ)" shall be inserted;

(ii) after the words "കൊച്ചു പിലാംമൂട്ടിലേയ്ക്കുള്ള റോഡ്" in column (5) against shop No. 8, the words and brackets "(കൊച്ചു പിലാംമൂടു പാലത്തിൽനിന്നും മുണ്ടയ്ക്കൽ പാലംവരെയുള്ള കൊല്ലം. ഇരവിപുരം തോടിനും സമുദ്രത്തിനും മദ്ധ്യേയുള്ള പ്രദേശം ഉൾപ്പെടെ)" shall be inserted;

(b) in the entries relating to "ചടയമംഗലം റേഞ്ച്—ചാരായം", under the sub-heading "കൊട്ടാരക്കര താലൂക്ക്", for the entries in Columns (4) and (5) against shop No. 27, the following entries shall respectively be subtituted, namely :—

"കിഴക്കുംഭാഗം	വടക്ക്—അരിപ്പ ജംഗ്ഷൻ കിഴക്ക്—മടത്തറ-കടയ്ക്കൽ റോഡിൽ മടത്തറ നിന്നും തുമ്പമൺ തൊടി ജംഗ്ഷൻ തെക്ക്—പുതുശ്ശേരി ജംഗ്ഷൻ വരെ പടിഞ്ഞാറ്—മടത്തറ - കടയ്ക്കൽ റോഡിൽ മടത്തറ നിന്നും r ചിതറ ജംഗ്ഷൻ വരെ";

2. Under the heading "ആലപ്പുഴ ഡിവിഷൻ", in the entries relating to "കുട്ടനാട് റേഞ്ച്—ചാരായം", under the sub heading "കുട്ടനാട് താലൂക്ക്",—

(i) for the entries in column (5) against shop No. 4, the following entries shall be substituted, namely:—

"വടക്ക്—നെടുമുടി വില്ലേജിന്റെ വടക്കേ ദേശ എല്ലുക

കിഴക്ക്— ടി വില്ലേജിന്റെ കിഴക്കേ ദേശ എല്ലുക

തെക്ക്— ടി വില്ലേജിന്റെ തെക്കേ ദേശ എല്ലുക

പടിഞ്ഞാറ് ടി വില്ലേജിന്റെ പടിഞ്ഞാറേ ദേശ എല്ലുക";

(ii) for the entries in columns (2) to (5) against Shop No. 11, the following entries shall respectively be substituted, namely:—

"കൈനകരി | കൈനകരി | കൈനകരി | വടക്ക്—കൈനകരി വില്ലേജിന്റെ വടക്കേ ദേശ എലുക
കിഴക്ക്— ടി വില്ലേജിന്റെ കിഴക്കേ ദേശ എലുക
തെക്ക്— ടി വില്ലേജിന്റെ തെക്കേ ദേശ എലുക
പടിഞ്ഞാറ്— ടി വില്ലേജിന്റെ പടിഞ്ഞാറേ ദേശ എലുക";

3. Under the heading "ഇടുക്കി ഡിവിഷൻ", in the entries relating to "തൊടുപുഴ റേഞ്ച്—ചാരായം", under the sub-heading "തൊടുപുഴ താലൂക്ക്",—

(i) for the entries in columns (2) to (5) against Shop No. 9, the following entries shall respectively be substituted, namely :—

"ഇടുക്കി | കഞ്ഞിക്കുഴി | കഞ്ഞിക്കുഴി | വടക്ക്—താലൂക്ക് അതിർത്തി
കിഴക്ക്—പെരിയാർ
തെക്ക്—ചുരുളി അൽപ്പാറ കമ്പി ലൈൻവഴി വേളൂർപുഴ
പടിഞ്ഞാറ്—വെൺമണി പ്ലാത്തിക്കവല പട്ടയക്കുടി മണ്ണിയംകുടി വടക്കോട്ട് താലൂക്ക് അതിർത്തി";

(ii) for the entry 'പെരിയാർ' specified as northern boundary in column (5) against Shop No. 14, the entry "കരിമ്പൻ പാൽക്കുളം മല" shall be substituted ;

4. Under the heading "തൃശ്ശൂർ ഡിവിഷൻ",—

(a) in the entries relating to "ചാലക്കുടി റേഞ്ച്—ചാരായം",—

(i) for the entries in columns (3) to (5) against Shop No. 33, the following shall respectively be substituted, namely :—

"കാഞ്ഞിരപ്പിള്ളി | കാഞ്ഞിരപ്പിള്ളി | വടക്ക്—പുല്ലുമുടിമല
കിഴക്ക്—കൊന്നക്കുഴി കനാൽ—ചാലക്കുടി മലക്കപ്പാറ റോഡ് മുറിഞ്ഞുകിടക്കുന്ന സ്ഥലം (10 KM കല്ല്)
തെക്ക്—ചാലക്കുടി പുഴ
പടിഞ്ഞാറ്—ചാലക്കുടി മലക്കപ്പാറ റോഡിൽ കോവിലകം റോഡ് സന്ധിക്കുന്ന കവലയും വയലും (9-ാം KM കല്ല്)";

(ii) for the entries in columns (3) to (5) against Shop No. 42, the following shall respectively be substituted, namely:—

"വെററിലപ്പാറ വെററിലപ്പാറ വടക്ക്—റിസർവ് ഫോറസ്ററ്
കിഴക്ക്—എക്സ് സർവീസ് മെൻ കോളനി
തെക്ക്—ചാലക്കുടി പുഴ
പടിഞ്ഞാറ്—പ്ലാച്ചിത്തോട് (ചാലക്കുടി മലക്കപ്പാറ റോഡിൽ 13-ാം മൈലിൽ പടിഞ്ഞാറുവശം)";

5. Under the heading "പാലക്കാട് ഡിവിഷൻ", in the entries relating to "കൊല്ലങ്കോട് റേഞ്ച്—ചാരായം",—

(i) in the entries in (5) against Shop No. 29, for the words "പിട്ടുപീടിക മെയിൻറോഡിൽനിന്നും കാക്കയൂർ പോകുന്ന റോഡ്" the words "കൊടുവായൂർ ഹൈസ്ക്കൂളിൻെറ കിഴക്കു വശം മെയിൻറോഡിൽനിന്നും തെക്കോട്ട് മലയംകോടു പാടത്തേയ്ക്കു പോകുന്ന പഞ്ചായത്തുവഴി" shall be substituted;

(ii) for the entries in Columns (2) to (5) against Shop No. 46, the following shall respectively be substituted, namely:—

"കൊടുവായൂർ പിട്ടുപീടിക പിട്ടുപീടിക വടക്ക്—കൊടുവായൂർ വില്ലേജ് അതിർത്തി
കിഴക്ക്—കൊടുവായൂർ ഹൈസ്ക്കൂളിൻെറ കിഴക്കു വശം മെയിൻറോഡിൽ നിന്നും തെക്കോട്ടു മലയംകോടുപാടത്തേക്കുളള പഞ്ചായത്തുപാത
തെക്ക്—മലമ്പുഴ കനാൽ
പടിഞ്ഞാറ്—എത്തന്നൂർ മരുതികാവ് ക്ഷേത്രത്തിൻെറ പടിഞ്ഞാറു വശത്തു നിന്നും നേരെ വടക്കോട്ടു പോകുന്ന പഞ്ചായത്തു വഴി";

6. Under the heading "കണ്ണൂർ ഡിവിഷൻ", in the entries relating to "കണ്ണൂർ റേഞ്ച്", under the sub-heading "കണ്ണൂർ താലൂക്ക്—ചാരായം", for the entries in Column (5) against Shop No. 21, the following entries shall be substituted, namely :—

"വടക്ക്—സംഗീത ടാക്കീസിൻെറ വടക്കു ഭാഗത്തുകൂടി പടിഞ്ഞാറു ഭാഗത്തേയ്ക്കുളള റോഡിൽ നിന്നും കനിലപ്പാലത്തിൻെറ തെക്കു ഭാഗത്തുകൂടി കടപ്പുറത്തേയ്ക്കുളള റോഡ്

കിഴക്ക്—ശ്രീനാരായണ പാർക്കിന്റെ കിഴക്കുവശത്തുകൂടി മിലിട്ടറി ആശുപത്രിയിലേക്കു പോകുന്ന റോഡ്
തെക്ക്—ഗവൺമെന്റ് ഗേറസ് ഹൈസ്കൂം, പയ്യാമ്പലം
പടിഞ്ഞാറ്—കടൽ."

II. In the entries relating to toddy shops,—

1. Under the heading "കൊല്ലം ഡിവിഷൻ", in the entries relating to "കൊല്ലം റേഞ്ച്", under the sub-heading "കൊല്ലം താലൂക്ക്—കള്ള്", in the entries in Column (5) against Shop No. 16, the words and brackets "(റോഡിനിരുവശവും ഉൾപ്പെടെ)" shall be added at the end;

2. Under the heading "ആലപ്പുഴ ഡിവിഷൻ", in the entries relating to "ആലപ്പുഴ റേഞ്ച്—കള്ള്", under the sub-heading "അമ്പലപ്പുഴ താലൂക്ക്",—

(i) in the entries in Column (5) against Shop No. 34, for the words "വാസുദേവപുരം ക്ഷേത്രം", the words "പുന്നല അമ്പലത്തിനു കിഴക്കുവശം കിഴക്കുപടിഞ്ഞാറായുള്ള തോടും തൂക്കു കിഴക്കു കൊട്ടാരവളവ് തോടു വരെ" shall be substituted ;

(ii) for the entries in Column (5) against Shop No. 35, the following shall be substituted, namely :—

"വടക്ക്—പ്രക്കാട് മുഹമ്മദീയ പള്ളി
കിഴക്ക്—താലൂക്ക് അതിർത്തി
തെക്ക്—പുന്നല അമ്പലത്തിന്നു കിഴക്കുവശം കിഴക്കു പടിഞ്ഞാറായുള്ള തോടും തൂക്കു കിഴക്കു കൊട്ടാരവളവ് തോടു വരെ
പടിഞ്ഞാറ്—സമുദ്രം";

(iii) in the entries under the sub-heading "കുട്ടനാട് റേഞ്ച്", Shops No. 39 and 40 and the entries against them in Columns (2) to (5) shall be omitted ;

3. Under the heading "എറണാകുളം ഡിവിഷൻ", in the entries relating to "മൂവാററുപുഴ റേഞ്ച്" under the sub-heading "മൂവാററുപുഴ താലൂക്ക്—കള്ള്", after Shop No. 46 and the entries against it in Columns (2) to (5) the following shall be added, namely :—

"47 മുളവൂർ മുളവൂർ നിരപ്പ്
വടക്ക്—ചെറുമററത്തു തോട്
കിഴക്ക്—പടിഞ്ഞാറെ പുന്നമുററത്തു ഇടത്തൊട്ടിൽ പുരയിടവും മാക്കാ പുരയിടവും
തെക്ക്—മൂവാററുപുഴ ആറ്
പടിഞ്ഞാറ്—കിഴുക്കായി തോട്".

III In the entries relating to Foreign Liquor Retail Shops,—

(a) Under the heading "തൃശ്ശൂർ ഡിവിഷൻ", in the entries relating to "തൃശ്ശൂർ റേഞ്ച്" under the sub-heading "തൃശ്ശൂർ താലൂക്ക്", for the entries in Column (5) against Shop No. 56, the following shall be substituted, namely:—

"വടക്ക്—തൃശ്ശൂർ മുനിസിപ്പൽ അതിർത്തി
കിഴക്ക്— ടി
തെക്ക്— ടി
പടിഞ്ഞാറ്— ടി ";

(b) Under the heading "വയനാട് ഡിവിഷൻ", in the entries relating to "കൽപ്പറ്റ റേഞ്ച്" under the sub-heading "വൈത്തിരി താലൂക്ക്", for the entries in columns (2) to (5) against Shop No. 79, the following shall be substituted, namely:—

"കോട്ടപ്പടി	കോട്ടപ്പടി	മേപ്പാടി	വടക്ക്—മണിക്കുന്നു മല കിഴക്ക്—മുപ്പയിനാട് ജംഗ്ഷനിൽനിന്നും നെടുമ്പാലക്കുള്ള റോഡും പ്ലാന്റേഷന്റെ പടിഞ്ഞാറെ അതിർത്തിയും തെക്ക്—കട്ടൂർ ജംഗ്ഷനും എ(മ്പാക്കുന്നു മലയും പടിഞ്ഞാറ്—കാപ്പുകൊല്ലി ജംഗ്ഷനിൽ നിന്നും എരുവാക്കൊല്ലി എസ്റ്റേറ്റിന്റെ പടിഞ്ഞാറെ അതിർത്തി".

3. The details relating to Foreign Liquor Wholesale Shops are specified in the Schedule annexed to notification G. O. (MS) No. 17/82/TD dated 27th February, 1982 published as S. R. O. No. 288/82 in the Kerala Gazette Extraordinary No. 132 dated the 27th February, 1982, subject to the following modification, namely:—

MODIFICATION

In the Schedule to the said notification under the heading "ആലപ്പുഴ ജില്ല", for the entries in columns (2) to (6), against Shop No. 10, the following shall respectively be substituted, namely:—

"കുട്ടനാട്	കുട്ടനാട്	1	30	പുളിങ്കുന്നു വില്ലേജിൽ പെട്ട പുളിങ്കുന്നു കര".

4. The auction sale will be held subject to the conditions set forth in the Kerala Abkari Shops (Disposal in Auction) Rules, 1974.

1983 ഏപ്രിൽ 1-ാം തീയതി മുതൽ 1984 മാർച്ച് 31-ാം തീയതി വരെയുള്ള കാലത്തേക്ക് കള്ള്, ചാരായം, കൊക്കോ ബ്രാൻഡി ഉൾപ്പെടെയുള്ള വിദേശ മദ്യം എന്നിവ സ്വതന്ത്ര ചില്ലറ വിൽപ്പന ഷാപ്പുകളിലും, വിദേശ മദ്യം മൊത്ത വിൽപ്പന ഷാപ്പുകളിലും വിൽക്കുന്നതിനുള്ള പ്രത്യേകാവകാശത്തെപ്പററിയുള്ള നോട്ടീസ്.

ജി. ഒ. (എം. എസ്.) നമ്പർ 13/83/ററി. ഡി.

തിരുവനന്തപുരം 1983 ഫെബ്രുവരി 25.

എസ്. ആർ. ഒ. നമ്പർ 245/83.—1077-ലെ 1-ാം ആക്ററായ അബ്കാരി ആക്ററ് 18 എ വകുപ്പും, 1974-ലെ കേരള അബ്കാരി ഷാപ്പുകൾ (ലേല വിൽപ്പന) ചട്ടങ്ങൾ, 4-ാം ചട്ടവും പ്രകാരമുള്ള അധികാരങ്ങളും ഈ ആവശ്യാർത്ഥം സർക്കാരിൽ നിക്ഷിപ്തമായിട്ടുള്ള മറെറല്ലാ അധികാരങ്ങൾ പ്രകാരവും 1983 ഏപ്രിൽ മാസം 1-ാം തീയതി മുതൽ 1984 മാർച്ച് 31-ാം തീയതി വരെയുള്ള കാലത്തേക്ക് താഴെ 2-ാം ഖണ്ഡികയിൽ വിവരിക്കുന്ന സ്വതന്ത്ര ചില്ലറ വിൽപ്പന ഷാപ്പുകളിൽ കള്ള്, ചാരായം, കൊക്കോ ബ്രാൻഡി ഉൾപ്പെടെയുള്ള വിദേശ മദ്യം എന്നിവയും വിദേശ മദ്യം, കേരള സംസ്ഥാന സിവിൽ സപ്ലൈസ് കോർപ്പറേഷന് (ക്ലിപ്തം) പ്രത്യേകമായി മാററി വച്ചിട്ടുള്ള വിദേശ മദ്യ മൊത്ത വിൽപ്പന ഷാപ്പുകൾ ഒഴികെയുള്ള താഴെ 3-ാം ഖണ്ഡികയിൽ വിവരിക്കുന്ന വിദേശമദ്യ മൊത്ത സ്വതന്ത്ര വിൽപ്പന ഷാപ്പുകളിലും വിൽക്കുന്നതിനുള്ള അവകാശം താഴെ കാണിച്ചിട്ടുള്ള എക്സൈസ് റേഞ്ചുകളിൽ അവയ്ക്കെതിരെ കാണിച്ചിട്ടുള്ള സ്ഥലങ്ങളിൽ വച്ചോ അതാത് എക്സൈസ് ഡിവിഷനാഫീസുകളിൽ പരസ്യപ്പെടുത്തുന്ന മററു സ്ഥലങ്ങളിൽ വച്ചോ അവയ്ക്കെതിരെ കാണിച്ചിരിക്കുന്ന തീയതികളിൽ പരസ്യമായി ലേലം ചെയ്യുന്നതാണെന്നുള്ള നോട്ടീസ് ഇതിനാൽ നൽകുന്നു.

ലേലപരിപാടി (റേഞ്ച് തിരിച്ച്)

റേഞ്ചിൻെറ പേര്	ലേലത്തീയതി	ലേലം നടത്തുന്ന സ്ഥലം
(1)	(2)	(3)
തിരുവനന്തപുരം ജില്ല		
1. കഴക്കൂട്ടം 2. തിരുവനന്തപുരം 3. ചിറയിൻകീഴ് 4. വർക്കല	10-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, തിരുവനന്തപുരം
5. നെടുമങ്ങാട് 6. വാമനപുരം 7. അമരവിള 8. നെയ്യാററിൻകര 9. കാട്ടാക്കട	15-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, തിരുവനന്തപുരം

കൊല്ലം ജില്ല

1.	കൊല്ലം	11-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കൊല്ലം
2.	ചാത്തന്നൂർ		
3.	കരുനാഗപ്പള്ളി		
4.	കുന്നത്തൂർ		
5.	പത്തനംതിട്ട	15-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കൊല്ലം
6.	റാന്നി		
7.	കൊട്ടാരക്കര		
8.	ചടയമംഗലം		
9.	പത്തനാപുരം		

ആലപ്പുഴ ജില്ല

1.	ആലപ്പുഴ	14-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, ആലപ്പുഴ
2.	കായംകുളം		
3.	ചേർത്തല		
4.	തിരുവല്ല		
5.	കാർത്തികപ്പള്ളി	16-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, ആലപ്പുഴ
6.	കുട്ടനാട്		
7.	ചെങ്ങന്നൂർ		
8.	മാവേലിക്കര		
9.	കുത്തിയതോട്		

കോട്ടയം ജില്ല

1.	കോട്ടയം	10-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കോട്ടയം
2.	പാമ്പാടി		
3.	ചങ്ങനാശ്ശേരി		
4.	കുറവിലങ്ങാട്		
5.	പാല		
6.	ഏറ്റുമാനൂർ		
7.	കാഞ്ഞിരപ്പള്ളി	15-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കോട്ടയം
8.	ഈരാറ്റുപേട്ട		
9.	വൈക്കം		
10.	കടുത്തുരുത്തി		

ക്കിജില്ല

1.	ദേവികുളം	14-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, തൊടുപുഴ
2.	അടിമാലി		
3.	ഉടുമ്പഞ്ചോല		
4.	തൊടുപുഴ	15-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, തൊടുപുഴ
5.	കട്ടപ്പന		
6.	പീരുമേട്		
7.	വണ്ടിപ്പെരിയാർ		

എറണാകുളം ജില്ല

ക്രമ നം.	സ്ഥലം	തീയതി	ആഫീസ്
1.	എറണാകുളം	10.3.1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, എറണാകുളം
2.	തൃപ്പൂണിത്തുറ		
3.	മട്ടാഞ്ചേരി		
4.	പറവൂർ		
5.	അങ്കമാലി		
6.	ആലുവ		
7.	മാമല		
8.	പിറവം	14-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, എറണാകുളം
9.	മൂവാറ്റുപുഴ		
10.	കോതമംഗലം		
11.	പെരുമ്പാവൂർ		
12.	വരാപ്പുഴ		
13	ഞാറയ്ക്കൽ		

തൃശ്ശൂർ ജില്ല

ക്രമ നം.	സ്ഥലം	തീയതി	ആഫീസ്
1.	ചാവക്കാട്	9-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, തൃശ്ശൂർ
2.	വാടാനപ്പള്ളി		
3.	ചേർപ്പ്		
4.	അന്തിക്കാട്		
5.	കുന്നംകുളം		
6.	കൊടുങ്ങല്ലൂർ		
7.	തൃശ്ശൂർ	10-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, തൃശ്ശൂർ
8.	ഇരിങ്ങാലക്കുട		
9.	ചാലക്കുടി		
10.	മാള		
11.	വടക്കാഞ്ചേരി		
12	പഴയന്നൂർ		

പാലക്കാട് ജില്ല

ക്രമ നം.	സ്ഥലം	തീയതി	ആഫീസ്
1.	പാലക്കാട്	11-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, പാലക്കാട്
2.	പട്ടാമ്പി		
3.	നെന്മാറ		
4.	കുഴൽമന്ദം		
5.	ആലത്തൂർ		
6.	കൊല്ലങ്കോട്		
7.	ഒറ്റപ്പാലം	16-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, പാലക്കാട്
8.	തൃത്താല		
9.	പറളി		
10.	ചിറ്റൂർ		
11.	മണ്ണാർക്കാട്		

റേഞ്ച്	തീയതി	ഓഫീസ്
മലപ്പുറം ജില്ല		
1. പെരിന്തൽമണ്ണ 2. പൊന്നാനി 3. മഞ്ചേരി 4. നിലമ്പൂർ 5. കാളികാവ് 6. മലപ്പുറം 7. പരപ്പനങ്ങാടി 8. തിരൂർ	11-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, മലപ്പുറം
കോഴിക്കോട് ജില്ല		
1. കോഴിക്കോട് 2. ഫറൂക്ക് 3. കുന്നമംഗലം 4. ബാലുശ്ശേരി	9-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കോഴിക്കോട്
5. വടകര 6. നാദാപുരം 7. കൊയിലാണ്ടി 8. താമരശ്ശേരി	16-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കോഴിക്കോട്
വയനാട് ജില്ല		
1. കൽപ്പററ 2. മാനന്തവാടി 3. സുൽത്താൻ ബത്തേരി	10-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കൽപററ
കണ്ണൂർ ജില്ല		
1. കണ്ണൂർ 2. പാപ്പിനിശ്ശേരി 3. തളിപ്പറമ്പ് 4. ശ്രീകണ്ഠപുരം 5. മട്ടന്നൂർ 6. കാസർകോഡ് 7. നീലേശ്വരം	9-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കണ്ണൂർ
8. തലശ്ശേരി 9. പേരാവൂർ 10. കൂത്തുപറമ്പ് 11. പയ്യന്നൂർ 12. ഹോസ്ദുർഗ് 13. കുമ്പള	16-3-1983	എക്സൈസ് ഡിവിഷൻ ആഫീസ്, കണ്ണൂർ

2. ഓരോ റേഞ്ചിലും കൊക്കോ ബ്രാൻഡി ഉൾപ്പെടെയുള്ള കള്ളും ചാരായവും, വിദേശമദ്യവും വിൽക്കുന്നതിനു വേണ്ടിയുള്ള സ്വതന്ത്ര ചില്ലറ ഷാപ്പുകളുടെ എണ്ണവും ഏതു പരിധിക്കുള്ളിൽ ഷാപ്പു സ്ഥിതിചെയ്യണമെന്നതും 1982 ഫെബ്രുവരി 27-ാം തീയതിയിലെ 132-ാം നമ്പർ അസാധാരണ കേരള ഗസററിൽ എസ്. ആർ. ഒ. നമ്പർ 288/82 ആയി പ്രസിദ്ധീകരിച്ച 1982 ഫെബ്രുവരി 27-ാം തീയതിയിലെ ജി. ഒ. (എം. എസ്.) 17/82/ററി. ഡി.

എന്ന നമ്പർ വിജ്ഞാപനം വഴി ഭേദഗതി ചെയ്ത 1981 മാർച്ച് 7-ാം തീയതിയിലെ 177-ാം നമ്പർ അസാധാരണ കേരള ഗസററിൽ എസ്. ആർ. ഒ. നമ്പർ 295/81 ആയി പ്രസിദ്ധീകരിച്ചിട്ടുള്ള 1981 ഫെബ്രുവരി 27-ാം തീയതിയിലെ ജി. ഒ. (എം. എസ്.) 21/81 ററി. ഡി. എന്ന നമ്പർ വിജ്ഞാപനത്തിനോട് അനുബന്ധിച്ചുള്ള പട്ടികയിൽ നിശ്ചയിച്ച പ്രകാരവും താഴെ പറയുന്ന കൂടുതൽ ഭേദഗതികൾക്ക് വിധേയമായും ആയിരിക്കുന്നതാണ്, അതായത്:—

ഭേദഗതികൾ

പ്രസ്തുത വിജ്ഞാപനത്തിന്റെ പട്ടികയിൽ

I ചാരായഷാപ്പുകളെ സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ

1. ''കൊല്ലം ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻകീഴിൽ—

(എ) ''കൊല്ലം റേഞ്ച്'' നെ സംബന്ധിക്കുന്ന ''രേഖപ്പെടുത്തലുകളിൽ ''കൊല്ലം താലൂക്ക്—ചാരായം'' എന്ന ഉപശീർഷകത്തിൻ കീഴിൽ,—

(i) ''തെക്ക്—കച്ചേരി മുക്കിൽ നിന്നും ആലപ്പുഴയ്ക്കുള്ള റോഡ്'' എന്ന വാക്കുകൾക്കുശേഷം 3-ാം നമ്പർ ഷോപ്പിനെതിരെ, 5-ാം കോളത്തിൽ ''(റോഡിനിരുവശവും ഉൾപ്പെടെ)'' എന്ന വാക്കും ബ്രാക്കററുകളും ചേർക്കേണ്ടതാണ്;

(ii) 5-ാം കോളത്തിൽ 8-ാം നമ്പർ ഷാപ്പിനെതിരെ, ''കൊച്ചു പിലാംമൂട്ടിലേക്കുള്ള റോഡ്'' എന്ന വാക്കുകൾക്കുശേഷം ''(കൊച്ചു പിലാം മൂട്ടു പാലത്തിൽ നിന്നും മൂണ്ടയ്ക്കൽ പാലംവരെയുള്ള കൊല്ലം ഇരവിപുരം തോടിനും സമുദ്രത്തിനും മദ്ധ്യേയുള്ള പ്രദേശം ഉൾപ്പെടെ)'' എന്ന വാക്കുകളും ബ്രാക്കററുകളും ചേർക്കേണ്ടതാണ്;

(ബി) ''ചടയമംഗലം റേഞ്ച്—ചാരായം'' സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ ''കൊട്ടാരക്കര താലൂക്ക്'' എന്ന ഉപശീർഷകത്തിൻ കീഴിൽ 4-ം 5-ം കോളങ്ങളിലെ രേഖപ്പെടുത്തലുകൾക്കുപകരം 27-ാം നമ്പർ ഷോപ്പിനെതിരെ താഴെപ്പറയുന്ന രേഖപ്പെടുത്തലുകൾ യഥാക്രമംചേർക്കേണ്ടതാണ്, അതായത്:—

''കിഴക്കുംഭാഗം	വടക്ക്—അരിപ്പ ജംഗ്ഷൻ കിഴക്ക്— മടത്തറ കടയ്ക്കൽ റോഡിൽ മടത്തറ നിന്നും തുമ്പമൺ തൊടി ജംഗ്ഷൻ തെക്ക്—പുതുശ്ശേരി ജംഗ്ഷൻ വരെ പടിഞ്ഞാറ്—മടത്തറ—കടയ്ക്കൽ റോഡിൽ മടത്തറ നിന്നും ചിതറ ജംഗ്ഷൻ വരെ'' ;

2. ''ആലപ്പുഴ ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻകീഴിൽ ''കുട്ടനാട് റേഞ്ച്-ചാരായം'' സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ ''കുട്ടനാട് താലൂക്ക്'' എന്ന ഉപശീർഷകത്തിൻകീഴിൽ,

(i) 5-ാം കോളത്തിലെ രേഖപ്പെടുത്തലുകൾക്കുപകരം 4-ാം നമ്പർ ഷോപ്പിനെതിരെ താഴെപ്പറയുന്ന രേഖപ്പെടുത്തലുകൾ ചേർക്കേണ്ടതാണ്; അതായത്:—

''വടക്ക്—നെടുമുടി വില്ലേജിന്റെ വടക്കേദേശ എലുക

കിഴക്ക്—ടി വില്ലേജിന്റെ കിഴക്കേ ദേശ എലുക

തെക്ക്—ടി വില്ലേജിന്റെ തെക്കേ ദേശ എലുക

പടിഞ്ഞാറ്—ടി വില്ലേജിന്റെ പടിഞ്ഞാറെ ദേശ എലുക'';

(ii) 2 മുതൽ 5 വരെ കോളങ്ങളിലെ രേഖപ്പെടുത്തലുകൾക്കുപകരം 11-ാം നമ്പർ ഷോപ്പിനെതിരെ താഴെപ്പറയുന്ന രേഖപ്പെടുത്തലുകൾ യഥാക്രമം ചേർക്കേണ്ടതാണ്, അതായത് :—

''കൈനകരി'' കൈനകരി കൈനകരി വടക്ക്—കൈനകരി വില്ലേജിന്റെ വടക്കേ ദേശ എലുക

കിഴക്ക്—ടി വില്ലേജിന്റെ കിഴക്കേ ദേശ എലുക

തെക്ക്—ടി വില്ലേജിന്റെ തെക്കേ ദേശ എലുക

പടിഞ്ഞാറ്—ടി വില്ലേജിന്റെ പടിഞ്ഞാറെ ദേശ എലുക; ''

3. ''ഇടുക്കി ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻ കീഴിൽ, ''തൊടുപുഴ റേഞ്ച്-ചാരായം'' സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ ''തൊടുപുഴ താലൂക്ക്'' എന്ന ഉപശീർഷകത്തിൻ കീഴിൽ—

(i) (2) മുതൽ (5) വരെയുള്ള കോളങ്ങളിലെ രേഖപ്പെടുത്തലുകൾക്കു പകരം 9-ാം നമ്പർ ഷോപ്പിനെതിരെ താഴെ പറയുന്ന രേഖപ്പെടുത്തലുകൾ യഥാക്രമം ചേർക്കേണ്ടതാണ്, അതായത് :—

''ഇടുക്കി കഞ്ഞിക്കുഴി കഞ്ഞിക്കുഴി വടക്ക്—താലൂക്ക് അതിർത്തി

കിഴക്ക്—പെരിയാർ

തെക്ക്—ചുരുളി അൽപ്പാറ കമ്പിലൈൻ വഴി വേളൂർപ്പുഴ

പടിഞ്ഞാറ് — വെൺമണി ഉപ്പാത്തിക്കവല പട്ടയക്കുടി മണ്ണിയംകുടി വടക്കോട്ട് താലൂക്ക് അതിർത്തി'';

(ii) 14-ാം നമ്പർ ഷാപ്പിനെതിരെ (5)-ാം കോളത്തിൽ വടക്കേ അതിർത്തിയായി പറഞ്ഞിട്ടുള്ള 'പെരിയാർ' എന്ന രേഖപ്പെടുത്തലിനു പകരം, ''കരിമ്പൻ പാൽക്കുളംമല'' എന്ന രേഖപ്പെടുത്തൽ ചേർക്കേണ്ടതാണ്.

4. ''തൃശ്ശൂർ ഡിവിഷൻ'' എന്ന ശീർഷകത്തിനു കീഴിൽ ;

(എ) ''ചാലക്കുടി റേഞ്ച്—ചാരായം''—സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ

(i) 33-ാം നമ്പർ ഷാപ്പിനെതിരെ 3 മുതൽ 5 വരെയുള്ള കോളങ്ങളിലുള്ള രേഖപ്പെടുത്തലുകൾക്കുപകരം, താഴെ പറയുന്നവ യഥാക്രമം ചേർക്കേണ്ടതാണ്, അതായത് :—

''കോഞ്ഞിരപ്പിള്ളി കാഞ്ഞിരപ്പിള്ളി വടക്ക്—പുല്ലുമുടിമല

കിഴക്ക്—കൊന്നക്കുഴി കനാൽ—ചാലക്കുടി മലക്കപ്പാറ റോഡ് മുറിഞ്ഞുകിടക്കുന്ന സ്ഥലം (10 കി. മീ. കല്ല്)

തെക്ക്—ചാലക്കുടി പുഴ

പടിഞ്ഞാറ്—ചാലക്കുടി മലക്കപ്പാറ റോഡിൽ കോവിലകം റോഡ് സന്ധിക്കുന്ന കവലയും വയലും 9-ാം കി. മീ. കല്ല്)'';

(ii) 42-ാം നമ്പർ ഷാപ്പിനെതിരെ (3) മുതൽ (5) വരെയുള്ള കോളങ്ങളിലുള്ള രേഖപ്പെടുത്തലുകൾക്കു പകരം താഴെപ്പറയുന്നവ യഥാക്രമം ചേർക്കേണ്ടതാണ്, അതായത് :—

''വെററിലപ്പാറ വെററിലപ്പാറ വടക്ക്—റിസർച്ച് ഫോറസ്റ്റ്

കിഴക്ക്—എക്സ് സർവ്വീസ് മെൻ കോളനി

തെക്ക്—ചാലക്കുടി പുഴ

പടിഞ്ഞാറ്—പ്ലാച്ചിതോട് (ചാലക്കുടി മലക്കപ്പാറ റോഡിൽ 13-ാം മൈലിൽ പടിഞ്ഞാറു വശം)'';

(5) ''പാലക്കാട് ഡിവിഷൻ'' എന്ന ശീർഷകത്തിന് കീഴിൽ ''കൊല്ലംകോട് റേഞ്ച്—ചാരായം'' സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ

(i) 29-ാം നമ്പർ ഷാപ്പിനെതിരെ (5)-ാം കോളത്തിലുള്ള രേഖപ്പെടുത്തലുകളിൽ ''പിട്ടുപീടിക മെയിൻ റോഡിൽ നിന്നും കാക്കയൂർ പോകുന്ന റോഡ്'' എന്നീ വാക്കുകൾക്ക് പകരം, കൊടുവായൂർ ഹൈസ്ക്കൂളിന്റെ കിഴക്കുവശം മെയിൻ റോഡിൽ നിന്നും തെക്കോട്ട് മലയംകോടു പാടത്തേക്ക് പോകുന്നപഞ്ചായത്തു വഴി'' എന്നീ വാക്കുകൾ ചേർക്കേണ്ടതാണ് ;

(ii) 46-ാം നമ്പർ ഷാപ്പിനെതിരെ (2) മുതൽ (5) വരെ കോളങ്ങളിലുള്ള രേഖപ്പെടുത്തലുകൾക്ക് പകരം യഥാക്രമം താഴെ പറയുന്നവ ചേർക്കേണ്ടതാണ്, അതായത് :—

''കൊടുവായൂർ പിട്ടുപീടിക പിട്ടുപീടിക

വടക്ക്—കൊടുവായൂർ വില്ലേജ് അതിർത്തി

കിഴക്ക്—കൊടുവായൂർ ഹൈസ്കൂളിന്റെ കിഴക്കുവശം മെയിൻ റോഡിൽ നിന്നും തെക്കോട്ട് മലയം കോട്ട് പാടത്തേക്കുള്ള പഞ്ചായത്ത് പാത

തെക്ക്—മലമ്പുഴ കനാൽ

പടിഞ്ഞാറ്—എത്തനൂർ മരുതിക്കാവ് ക്ഷേത്രത്തിന്റെ പടിഞ്ഞാറു വശത്തുനിന്നും നേരെ വടക്കോട്ടു പോകുന്ന പഞ്ചായത്ത് വഴി'';

(6) ''കണ്ണൂർ ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻ കീഴിൽ ''കണ്ണൂർ റേഞ്ച്'''നെ സംബന്ധിക്കുന്ന രേഖപ്പെടുത്തലുകളിൽ ''കണ്ണൂർ താലൂക്ക്—ചാരായം'' എന്ന ഉപശീർഷകത്തിൻ കീഴിൽ 21-ാം നമ്പർ ഷാപ്പിനെതിരെ (5)-ാം കോളത്തിലുള്ള രേഖപ്പെടുത്തലുകൾക്ക് പകരം താഴെപ്പറയുന്ന രേഖപ്പെടുത്തലുകൾ ചേർക്കേണ്ടതാണ്, അതായത്:—

''വടക്ക്—സംഗീത ടാക്കീസിന്റെ വടക്ക് ഭാഗത്തു കൂടി പടിഞ്ഞാറു ഭാഗത്തേക്കുള്ള റോഡിൽ നിന്നും കനിലപ്പാലത്തിന്റെ തെക്ക് ഭാഗത്തുകൂടി കടപ്പുറത്തേക്കുള്ള റോഡ്

കിഴക്ക്—ശ്രീനാരായണ പാർക്കിന്റെ കിഴക്കുവശത്തുകൂടി മിലിട്ടറി ആശുപത്രിയിലേക്ക് പോകുന്ന റോഡ്

തെക്ക്—ഗവൺമെന്റ് ഗേൾസ് ഹൈസ്ക്കൂൾ, പയ്യാമ്പലം

പടിഞ്ഞാറ്—കടൽ'';

II. കള്ളുഷാപ്പുകളെ സംബന്ധിക്കുന്ന രേഖപ്പെടുത്തലുകളിൽ

(i) ''കൊല്ലം ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻകീഴിൽ ''കൊല്ലം റേഞ്ച്''—നെ സംബന്ധിക്കുന്ന രേഖപ്പെടുത്തലുകളിൽ ''കൊല്ലം താലൂക്ക്—കള്ള്'' എന്ന ഉപശീർഷകത്തിൻ കീഴിൽ 16-ാം നമ്പർ ഷാപ്പിനെതിരെയുള്ള (5)-ാം കോളത്തിലുള്ള രേഖപ്പെടുത്തലുകളിൽ ''(റോഡിനിരുവശവും ഉൾപ്പെടെ)'' എന്നീ വാക്കുകളും ബ്രാക്കറ്റുകളും അവസാനം കൂട്ടിച്ചേർക്കേണ്ടതാണ്;

2. ''ആലപ്പുഴ ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻ കീഴിൽ ''ആലപ്പുഴ റേഞ്ച്—കള്ള്''-നെ സംബന്ധിക്കുന്ന രേഖപ്പെടുത്തലുകളിൽ ''അമ്പലപ്പുഴ താലൂക്ക്''—എന്ന ഉപശീർഷകത്തിൻ കീഴിൽ

(i) 34-ാം നമ്പർ ഷാപ്പിനെതിരെ (5)-ാം കോളത്തിലുള്ള രേഖപ്പെടുത്തലുകളിൽ, ''വാസുദേവപുരം ക്ഷേത്രം'' എന്ന വാക്കുകൾക്കുപകരം ''പുന്നല അസലത്തിനു കിഴക്കുവശം കിഴക്കു പടിഞ്ഞാറായുള്ള തോടും തൂക്കു കിഴക്കു കൊട്ടാരവളവ് തോടുവരെ'' എന്ന വാക്കുകൾ ചേർക്കേണ്ടതാണ്;

(ii) 35-ാം നമ്പർ ഷാപ്പിനെതിരെ (5)-ാം കോളത്തിലുള്ള രേഖപ്പെടുത്തലുകൾക്കുപകരം താഴെ പറയുന്നവ ചേർക്കേണ്ടതാണ്; അതായത്:—

''വടക്ക്—പ്രാക്കാട് മുഹമ്മദീയപള്ളി
കിഴക്ക്—താലൂക്ക് അതിർത്തി
തെക്ക്—പുന്നല അമ്പലത്തിനു കിഴക്കുവശം കിഴക്കുപടിഞ്ഞാറായുള്ള തോടും, തൂക്കു കിഴക്ക് കൊട്ടാരവളവ് തോടുവരെ
പടിഞ്ഞാറ്—സമുദ്രം'';

(iii) ''കുട്ടനാട് റേഞ്ച്'' എന്ന ഉപശീർഷകത്തിൻകീഴിലുള്ള രേഖപ്പെടുത്തലുകളിൽ ഷാപ്പു നമ്പർ 39-ം 40-ം, അവക്കുനേരെയുള്ള (2) മുതൽ (5) വരെ കോളങ്ങളിലെ രേഖപ്പെടുത്തലുകളും വിട്ടുകളയേണ്ടതാണ്;

3. ''എറണാകുളം ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻകീഴിൽ ''മൂവാററുപുഴ റേഞ്ച്'' നെ സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ ''മൂവാററുപുഴ താലൂക്ക് കള്ള്'' എന്ന ഉപശീർഷകത്തിൻകീഴിൽ, ഷാപ്പുനമ്പർ 46-നു ശേഷവും അതിനുനേരെ (2) മുതൽ (5) വരെയുള്ള കോളങ്ങളിലെ രേഖപ്പെടുത്തലുകളിൽ താഴെ പറയുന്നവ ചേർക്കേണ്ടതുമാണ്, അതായത്:—

''47 മുളവൂർ മുളവൂർ നിരപ്പ് വടക്ക്—ചെറുമററത്തു തോട്
കിഴക്ക്—പടിഞ്ഞാറെ പുന്നമററത്തു ഇടത്തൊട്ടിൽ പുരയിടവും മാക്കര പുരയിടവും
തെക്ക്—മൂവാററുപുഴ ആറ്
പടിഞ്ഞാറ്—കിഴുക്കായി തോട്''.

III. വിദേശമദ്യം ചില്ലറ വിൽപ്പന ഷോപ്പുകളെ സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ,

(എ) ''തൃശൂർ ഡിവിഷൻ'' എന്ന ശീർഷകത്തിൻകീഴിൽ, ''തൃശൂർ താലൂക്ക്'' എന്ന ഉപശീർഷകത്തിൻകീഴിൽ ''തൃശൂർ റേഞ്ച്'' നെ സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ ഷാപ്പു നമ്പർ 56 നെതിരെയുള്ള (5)-ാം കോളത്തിലെ രേഖപ്പെടുത്തലുകൾക്കുപകരം താഴെ പറയുന്നവ ചേർക്കേണ്ടതാണ്, അതായത്: —

വടക്ക്—തൃശ്ശൂർ മുനിസിപ്പൽ അതിർത്തി
കിഴക്ക്—ടി
തെക്ക്—ടി
പടിഞ്ഞാറ്—ടി

(ബി) "വയനാട് ഡിവിഷൻ" എന്ന ശീർഷകത്തിൻ കീഴിൽ, "വൈത്തിരി താലൂക്ക്" എന്ന ഉപശീർഷകത്തിൻ കീഴിലുള്ള "കൽപ്പററ റേഞ്ച്" നെ സംബന്ധിച്ച രേഖപ്പെടുത്തലുകളിൽ ഷാപ്പ് നമ്പർ 79 നെതിരെയുള്ള (2) മുതൽ (5) വരെ കോളങ്ങളിലെ രേഖപ്പെടുത്തലുകൾക്കു് പകരം താഴെ പറയുന്നവ ചേർക്കേണ്ടതാണ്, അതായത്:—

"കോട്ടപ്പടി	കോട്ടപ്പടി	മേപ്പാടി	വടക്ക്—മണിക്കുന്നുമല കിഴക്ക്—മുപ്പയിനാട് ജംഗ്ഷനിൽ നിന്നും നെടുമ്പാലക്കുള്ള റോഡും, പ്ലാൻേറഷൻെറ പടിഞ്ഞാറെ അതൃത്തിയും തെക്ക്—കട്ടൂർ ജംഗ്ഷനും എ[മ്പാക്കുന്നു മലയും പടിഞ്ഞാറ്—കാപ്പുകൊല്ലി ജംഗ്ഷനിൽ നിന്നും എരുവാക്കൊല്ലി എസ്റേററിൻെറ പടിഞ്ഞാറെ അതിർത്തി".

2. വിദേശമദ്യ മൊത്തവ്യാപാരഷാപ്പുകളെ സംബന്ധിച്ച വിശദവിവരങ്ങൾ 1982 ഫെബ്രുവരി 27-ാം തീയതിയിലെ ജി. ഒ. (എം. എസ്.) 17/82/ടിഡി എന്ന നമ്പർ വിജ്ഞാപനത്തോടുചേർത്തിട്ടുള്ള പട്ടികയിൽ പ്രതിപാദിച്ചിട്ടുള്ളതും, 1982, ഫെബ്രുവരി 27-ാം തീയതിയിലെ 132-ാം നമ്പർ കേരള അസാധാരണ ഗസററിൽ എസ്. ആർ. ഒ. 288/82-ാം നമ്പരായി താഴെ പറയുന്ന മാററത്തിനു വിധേയമായി, പ്രസിദ്ധീകരിച്ചിട്ടുള്ളതുമാണ്, അതായത്:—

ഭേദഗതി

പ്രസ്തുത വിജ്ഞാപനത്തിൻെറ പട്ടികയിൽ "ആലപ്പുഴ ജില്ല" എന്ന ശീർഷകത്തിൻകീഴിൽ, ഷോപ്പ് നമ്പർ 10-ന് എതിരെ (2) മുതൽ (6)വരെ കോളങ്ങളിലെ രേഖപ്പെടുത്തലുകൾക്കു പകരം താഴെ പറയുന്നവ യഥാക്രമം ചേർക്കേണ്ടതാണ്, അതായത്:—

"കുട്ടനാട്	കുട്ടനാട്	130	പുളിങ്കുന്നു വില്ലേജിൽപെട്ട പുളിങ്കുന്നുകര".

4. 1974-ലെ കേരള അബ്കാരി ഷാപ്പുകൾ (പൊതുലേലംവഴി കയ്യൊഴിക്കൽ) ചട്ടങ്ങളിൽ പറഞ്ഞിട്ടുള്ള വ്യവസ്ഥകൾക്കുവിധേയമായി പൊതു ലേലവിൽപ്പന നടത്തുന്നതാണ്.

By order of the Governor,

PALAT MOHANDAS,

Secretary to Government (Taxes).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

Reg. No. KL/TV(N)/12

Government of Kerala
1983

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 25th February 1983 / 6th Phalguna 1904 [No. 208

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2414/LA4/83. *Dated, Trivandrum, 25th February,* 1983.

The Kerala Land Conservancy (Amendment) Bill, 1983 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33/708/MC.

Seventh Kerala Legislative Assembly

Bill No. 22

THE KERALA LAND CONSERVANCY (AMENDMENT) BILL, 1983

A

BILL

further to amend the Kerala Land Conservancy Act, 1957.

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Conservancy Act, 1957, for the purpose hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Conservancy (Amendment) Act, 1983.

(2) It shall come into force at once.

2. *Amendment of section* 11.—In section 11 of the Kerala Land Conservancy Act, 1957 (8 of 1958), to sub-section (3), the following proviso shall be added, namely:—

"Provided that in the case of any land which is a puramboke, no such notice shall be necessary if the land has been unauthorisedly occupied after the commencement of the Kerala Land Conservancy (Amendment) Act, 1983 and the Collector is satisfied for reasons to be recorded in writing that it is not expedient to give such notice.".

STATEMENT OF OBJECTS AND REASONS

Sub-section (2) of section 11 of the Kerala Land Conservancy Act, 1957 lays down the procedure for eviction of unauthorised occupants of any land which is the property of Government. Sub-section (3) of section 11 which was inserted in that section in 1971 to facilitate speedy eviction of unauthorised occupants of land which is the property of Government, provides that where the Collector is of opinion that it is expedient in the public interest to take urgent action to evict any person unauthorisedly occupying such land without following the procedure laid down in sub-section (2), he may, after recording

his reasons for so doing, issue a notice to the person in occupation calling upon him to vacate the land within such period as may be specified in the notice and that if the land is not vacated within the said period, any officer authorised by the Collector may enter upon the land and take possession of the same, if necessary, by using such force as the circumstances may justify.

2. Experience has revealed that the procedure prescribed in sub-section (3) of section 11 also entails delay and that the provision is not effective when immediate eviction of unauthorised occupants of poramboke lands is required. It is therefore considered necessary to invest the Collector with powers to evict unauthorised occupants of poramboke lands without notice if he is satisfied for reasons to be recorded in writing that it is not expedient to give notice.

3. The Bill seeks to amend the Kerala Land Conservancy Act, 1957, for the above purpose.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

P. J. JOSEPH.

Government of Kerala
1983

Reg. No. KL/TV(N)/12

KERALA GAZETTE

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

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The Kerala Weights and Measures (Enforcement) Amendment Bill, 1983 together with the Statement of Objects and Reasons and the Financial Memorandum is published under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM. 1983.

33/710/MC.

Seventh Kerala Legislative Assembly

Bill No. 23

THE KERALA WEIGHTS AND MEASURES (ENFORCEMENT) AMENDMENT BILL, 1983

A

BILL

further to amend the Kerala Weights and Measures (Enforcement) Act, 1958.

Preamble.—WHEREAS it is expedient further to amend the Kerala Weights and Measures (Enforcement) Act, 1958, for the purpose hereinafter appearing;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Weights and Measures (Enforcement) Amendment Act, 1983.

2. *Omission of section 40A.*—Section 40A of the Kerala Weights and Measures (Enforcement) Act, 1958 (45 of 1958), shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 40A of the Kerala Weights and Measures (Enforcement) Act, 1958 (45 of 1958), provides that the Government may, by notification in the Gazette, exempt, subject to such conditions and restrictions as they may think fit to impose, any class of persons, any commodity, any trade or class of trades, or any class of weights, measures or weighing or measuring instruments used or intended to be used for any purpose other than any trade or trades specified in the notification, from all or any of the provisions of the Act, if the Government are satisfied that it is necessary so to do in the public interest. Section 40A was incorporated in the Kerala Weights and Measures (Enforcement) Act, 1958 by the Kerala Weights and Measures (Enforcement) Amendment Act, 1960, for the purpose of empowering the Government to permit, in the public interest, the continued use of certain types of weighing and measuring instruments. However, the use of all units of weights and measures other than the standard units prescribed in the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956) has since been banned by various notifications

issued under that Central Act. Further, the Standards of Weights and Measures Act, 1976 (Central Act 60 of 1976), which has repealed the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), prohibits the continuance of any unit of weight or measure other than the standard units of weights and measures prescribed in the former Act. Hence, no purpose will be served by the provisions of Section 40A of the State Act. Accordingly, it is proposed to omit that section. The Bill is intended for this purpose.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

P. J. JOSEPH.

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Government of Kerala
1983

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 25th February 1983 / 6th Phalguna 1904 [No. 210

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2431/LA4/83. *Dated, Trivandrum, 25th February, 1983.*

The Kerala Tax on Employment (Repeal) Bill, 1983 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1983.

33/712/MC.

Seventh Kerala Legislative Assembly

Bill No. 24

THE KERALA TAX ON EMPLOYMENT (REPEAL) BILL, 1983

A

BILL

to repeal the Kerala Tax on Employment Act, 1976.

Preamble.—WHEREAS it is expedient to repeal the Kerala Tax on Employment Act, 1976;

BE it enacted in the Thirty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Tax on Employment (Repeal) Act, 1983.

(2) It shall be deemed to have come into force on the 1st day of April, 1981.

2. *Repeal of Act* 14 *of* 1976.—The Kerala Tax on Employment Act, 1976 (14 of 1976), is hereby repealed.

3. *Liability under Act* 14 *of* 1976 *to cease.*—As from the commencement of this Act, no person shall be liable to pay any amount by way of tax on employment, penalty, fines, interest or fees under the Kerala Tax on Employment Act, 1976 (14 of 1976) as if that Act had not been enacted.

STATEMENT OF OBJECTS AND REASONS

In the Budget Speech made on the 20th March, 1981, the Minister of Finance had, *inter alia,* announced that it is proposed to abolish the tax leviable under the Kerala Tax on Employment Act, 1976 and to waive the collection of arrears already accrued, since the Government considered that in terms of the actual yield, the cost of collection and attendant difficulties, the continuance of this tax was not worth the effort.

2. The Bill seeks to give effect to the above proposal.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. M. MANI

Government of Kerala
1983

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVIII] Trivandrum, Friday, 25th February 1983 / 6th Phalguna 1904 [No. 211

GOVERNMENT OF KERALA

ELECTION DEPARTMENT

NOTIFICATION

No. 818|EL1|83|Elec. *Dated, Trivandrum, 22 February 1983.*

Notification No. 82|KL-LA|6|82 dated 7-2-1983 of the Election Commission of India is published.

By order,

J. S. JESUDHASAN,
Chief Electoral Officer &
Special Secretary.

33|713|MC.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001.

NOTIFICATION

Dated 7th February, 1983|
18 Magha, 1904 (Saka).

No. 82|KL-LA|6|82.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment of the High Court of Kerala dated 4th November, 1982 in Election Petition No. 6 of 1982.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE DR. JUSTICE T. KOCHU THOMMEN

Thursday the 4th November, 1982| 13th Karthika 1904.

ELECTION PETITION No. 6 OF 1982

Petitioner:

K. Suresh Babu, Inchavila, Maruthadi, Quilon-3.

By Advocates M|S. S. Narayanan Poti, S. Sankarasubban and B. V. Deepak.

Respondents:

1. Baby John, Vayalil Veedu, Neendakara.
2. A. Antony, 38|727, Cochin-11.
3. Shajahan, Moothrakizhakkathil, Kulangarabhagom, Chavara.
4. Saifudeen Kichilu, Sheeba Manzil, Kalari, Chavara.

By Advocates MS. G. Janardhana Kurup, K. R. Kurup and Philip K. Thomas.

This Election Petition having been finally heard on 22-10-1982 and having stood over to this day for consideration the court delivered the following:—

JUDGMENT

The petitioner prays for a declaration that the election of the 1st respondent to the Kerala Legislative Assembly from No. 122 Chavara Constituency was void and that the petitioner has been duly elected. In the election held on 19-5-1982, the result of which was declared on the following day, the 1st respondent, a candidate of the Revolutionary Socialist Party. (the "R.S.P.") and the petitioner, a candidate of the Indian National Congress (I) were the principal contestants. The 1st respondent secured 35,907 votes while the petitioner secured 35,286 votes. The 1st respondent thus received 621 votes more than the petitioner. There were 21 tendered votes. 288 votes, inclusive of one postal vote, were rejected as invalid votes.

2. The principal allegations of the petitioner are: The 1st respondent, his election agent and agents with the consent of the 1st respondent committed corrupt practices within the meaning of Section 123 (1), (2) and (7) of the Representation of the People Act, 1951 (the 'Act'). The 1st respondent and his agents deliberately created tense situation in several places in the Constituency with a view to frightening the voters who were inclined to vote for the petitioner. On 18-5-1982 three active supporters of the petitioner, Aliyarkutty, Shamsuddin and Venugopal were travelling in car K.L.Q. 7628 with materials, such as, appointment orders of polling agents, badges and slips, for distribution among booth offices. The car was stopped by Pochayil Vasavan, Mangalathu Ramakrishnan Vyilissery Vadakathu Asokan, K. N. Sukumaran, Gouthaman and other workers and partisans of the 1st respondent at Kolamthuruth Bhagom near Kannattakadavu. The driver Krishnan Kutty was severely beaten on his head. The car was damaged by hitting it with survey stones. The driver and the passengers of the car "fled for their lives". The appointment orders, badges and other materials in the car were taken away by the assailants. The driver was later taken to the hospital at Choondupalakamukku. The petitioner, his election agent and others, on hearing of the incident, went to the hospital. Within a short time, a large number of people led by Pochayil Vasavan arrived at the hospital shouting abusive words. At Kolamthuruth Bhagam, about half an hour prior to the incident involving the attack on the car and the driver, the same assailants at the very same place attacked the petitioner's supporters, Devadasan and Thilakarajan with dangerous weapons. Police have registered Crime No. 66|1982. In P.S. Nos. 33 to 38, 40 and 41 there were violent demonstrations by the partisans of the 1st respondent as a result of which the petitioner lost a number of votes. Many voters who would have supported the petitioner

were scared to exercise their franchise. Several trade unions controlled by the 1st respondent's party brought undue pressure upon the workers to support the 1st respondent. Those workers who supported the petitioner were threatened and victimised. They were denied work by their employers on account of the influence of the 1st respondent. Several incidents took place after the election by way of retalliation on the supporters of the petitioner. On 20-5-1982 Venugopal and his father and brothers were assaulted. On the same day the tea-shop of Basheerkunju, a supporter of the petitioner, was attempted to be set fire to. Mohammadkunju alias Chettakkada who was canvassing for the petitioner was assaulted. An attempt was made on the life of Siddhan, a supporter of the petitioner. The house of Gopalakrishnan in Sakthikulangara was burnt down for the same reason. These and similar acts which occurred before and immediately after the election constituted corrupt practices within the meaning of Section 123 (2) of the Act. As a result of these corrupt practices committed by the workers and partisans of the 1st respondent with his consent, the prospects of the petitioner in the election were materially affected. The provisions of the Act and the Registration of Electors Rules, 1960, were contravened by improperly omitting from the draft voters' list the names of a number of persons who would have supported the petitioner and by improperly including in it the names of non-resident persons who are the supporters of the 1st respondent. Such improper enrolment was done with the connivance of Gopalakrishnan, the Tahsildar, Karunagappally taluk, and other supporters of the 1st respondent. The chief election agent of the 1st respondent, Vasu Pillai, who is the President of the Chavara Panchayat got a resolution passed in the Panchayat council a week before the date of poll abolishing house tax below Rs. 2 per year and announcing the decision to construct a stadium costing over Rs. 18 lakhs. These decisions were widely publicised in newspapers with a view to inducing the electorate to vote for the 1st respondent within the meaning of section 123(1) of the Act. Several thousand dummy ballot papers were printed in the same colour and size of the actual ballot papers and distributed among the electorate, with a view to misleading and inducing them to vote for the 1st respondent. Several government servants who have been obliged to the 1st respondent have with his consent and at his instance actively canvassed for him, thereby committing corrupt practice within the meaning of Section 123(7). N. Amanthakrishnan, Junior Superiendent, Collegiate Education, Trivandrum, openly canvassed for the 1st respondent. Gopalakrishnan, Tahsildar, influenced the Returning Officer in the choice of the presiding officers, polling officers, counting supervisors and the counting staff. Persons friendly to the 1st respondent were specially chosen. At P. S. No. 39 the presiding officer, V. K. Santhakumaran Asari, was an active supporter of the R. S. P. The head

clerk of the Panmana Panchayat, N. Pankajaksha Kurup was actively working for the 1st respondent by making collections on his behalf, and participating in the jathas. A polling officer by name Sarasamma (*sic.* Saramma) who is a government servant in the Agriculture Departmeut is related to the 1st respondent and she was working for him. Ratnachandran, Superintendent of the Fisheries Training Centre, Neendakara was presiding officer at Polling Station No. 51. He is closely associated with the 1st respondent. At polling Station No. 1 the Presiding Officer was Ahammadkunju, Head Surveyor. He was actively canvassing for the 1st respondent. There were otherlike instances. Malpractices and mistakes have been committed during counting of votes. The counting was conducted in an open hall which was not large enough. The hall was over-crowded as a result of which a proper counting was not possible. At Table No. 1, irregular sorting by counting assistant N. Padmakaran was pointed out by the petitioner's counting agent E. Yusuf Kunju. He was abused by the Officer. At table No. 2 where votes from polling Stations Nos. 62 and 102 were counted certain bundles of the petitioner were tied up with 55 votes instead of the usual 50 votes. The mistake was however corrected. At table No. 11, the petitioner's counting agent Sethumohan Nath brought to the notice of the Returning Officer that some votes of the petitioner were bundled up with the votes of the 1st respondent. This mistake was also rectified. At table No. 6 there was a discrepancy of one vote in regard to Polling Station No. 66 between the presiding officer's account and the actual count. At table No. 7 there was a like discrepancy of one vote in regard to Polling Station No. 27. So also at table No. 13 in regard to Polling Station No. 93. At table No. 14 the protests of the counting agent against irregularities were unheeded. At table No. 15, Form No. 16 was filed up showing that the 1st respondent got 464 votes and the petitioner 250 votes. The actual fact was just the other way. This mistake was however corrected by the Returning Officer who warned the counting supervisor Sadanandan Pillai not to repeat such mistakes. Nevertheless Sadanandan Pillai continued to commit similar mistakes. At table No. 19 the petitioner's votes were on certain occasions bundled with the votes of the 1st respondent. The error was corrected when it was detected by the counting agents. At table No. 20 the counting agents did not have an opportunity to verify the correctness of the counting and bundling. Other mistakes of a similar character were committed by the counting staff. After the completion of the counting and the preparation of Form 20, the petitioner requested the Returning Officer to give him a reasonable time for filing an application under Rule 63 for re-count. The petitioner was allowed only 15 minutes to submit his application. He hurriedly prepared and submitted his application pointing out various irregularities and

mistakes. It was rejected. The rejection was unwarranted. The Election of the returned candidate is void on account of the corrupt practices of the 1st respondent, his election agent and other agents, and also on account of several electoral offences, irregularities mistakes and non-compliance with statutory provisions.

3. These allegations are specifically denied by the 1st respondent who alone has filed a written statement. He has denied that any tense situation was created in the Constituency by his supporters. He asserts that the election was conducted peacefully and properly notwithstanding the petitioner's efforts to create communal tension in various places. The incidents at Kolamthuruth were caused by the partisans of the petitioner in respect of which Chavara police have registered Crime 66 and 67 of 1982. The 1st respondent or his agents had no responsibility for those incidents. The high percentage of polling in Chavara and Panmana belies the petitioner's allegation of fear in the minds of the electors. The allegation of threat or intimidation is totally without basis. The alleged incidents involving Venugopalan and his family, Basheerkunju, Mohammedkunju, Sidhan and Gopalakrishnan were fictitious or in any case not the acts of the 1st respondent or his agent or supporters. The allegation of illegality................in the finalisation of electoral rolls is untrue. The allegation against the Tahsildar, Karunagappally is false. As regards the allegation against the President of the Chavara Panchayat, it is stated that he was appointed as the Chief Election Agent on 14-5-1982 whereas the yearly budget of the Panchayat was adopted as early as 19-4-1982 granting certain tax exemptions and providing for a token fund for the construction of a mini-stadium. This was done in the normal course of the Panchayat activities and there was no corrupt practice involved in it. The 1st respondent did not print or distribute dummy ballot papers which resembled the original ballot papers. The 1st respondent did not in his official capacity show any special favours to particular government servants. The allegations involving certain government officers are totally unfounded. No fraud or any other irregularity was committed at the polling stations. None of the presiding officers or polling assistants canvassed for the 1st respondent. The allegations levelled against the counting officers are totally untrue. Sorting and counting had been done correctly and properly. The allegations regarding irregularities in counting at various tables are unfounded. So is the allegation about discrepancy of votes. It is totally untrue that any votes of the petitioner were bundled with those of the 1st respondent. There was no overcrowding in the hall. No unauthorised persons were present in the hall. No such complaint was made by any counting agent to the Returning Officer. Even in the re-count application

there is no such reference. The petitioner was given sufficient time for filing his application for re-count. It was rightly rejected by the Returning Officer.

4. On the basis of the above averments, the following issues were raised in the presence of counsel on both sides and after discussing the same with them.

1. Whether the election of the 1st respondent is vitiated by all or any of the corrupt practices alleged to have been committed by him or his election agent or other agents with his or his election agent's consent?

2. Whether there is any non-compliance with the Constitution or the Representation of the People Act, 1951, or any rules or orders made under that Act or the Registration of Electors Rules, 1960? If so, has any such non-compliance materially affected the election of the returned candidate?

3. Whether the election result is vitiated due to miscounting on account of the mistakes and malpractices alleged to have been committed by the counting staff?

4. What are the reliefs that can be granted in the petition?

5. What, if any, should be the order as to costs?

5. In the course of the arguments, the petitioner's counsel Shri S. Narayanan Poti submitted that the petitioner did not desire to press Issue No. 2 and that he would not therefore submit any argument concerning that issue. Counsel on both sides have agreed that, since Issue No. 2 has been given up by the petitioner, no finding is required to be entered on that issue. They have both made an endorsement to that effect. I shall therefore deal only with Issues 1, 3, 4 and 5.

6. *Issue No.* 1. The petitioner's counsel Shri Poti has confined his arguments under this issue solely to the allegations concerning corrupt practices within the meaning of Section 123(1) and (2) of the Act. On none of the allegations respecting corrupt practice within the meaning of Section 123(7) has counsel submitted arguments. Shri Poti's arguments under this issue are limited solely to the two incidents which are alleged to have taken place at Kolamthuruth during the early hours of 19-5-1982 at or shortly after 12.30 a. m. and the alleged publication in newspapers of certain decisions of the Chavara Panchayat. Counsel submits that he does

1. Vide issues dated 9-8-1982.

not press any other point under this issue. Accordingly both sides agree that I need deal only with these matters, and not with any other allegation contained in the petition respecting Issue No. 1.

7. Both the incidents are stated to have ocurred at a place called Kolamthuruth near Kannattakadavu in Panmana Panchayat which is one of the six Panchayats comprising the No. 122 Chavara L. A. Constituency. It is stated that the first incident ocurred at 12.30 a. m. on 19-5-1982. The time is referred to by the witnesses as the 18th night, presumably because it was shortly past the midnight of the 18th. The incident is spoken to by P.Ws. 9, 10 and 18.

8. Devadasan (P.W.9) says that he left the booth office of the Congress (I) with his relative Thilakarajan (P.W.10) shortly after the 18th midnight and they were proceeding to Thilakarajan's house. As they crossed the Kannattakadavu from the western side, they saw some persons standing on the eastern side of the canal. As PW.9 who was walking in front came close to those people K. N. Sukumaran, who was one of them, asked him whether he was canvassing votes against the 1st respondent. P.W. 9 resented this remark and retorted why he could not do that. Then Sukumaran attacked him with a sword like weapon (വടികം) thrice. P.W.9 was hit on the left side of his head, on his left hand and on his left leg above the knee. At this time Thilakarajan (P.W. 10) came running to his rescue. P.W.10 was also beaten by the others and he roll on the ground. This was past 12.30 a. m. P.W.9 sat under a coconut tree for about 15 minutes. Somebody then went to fetch a taxi car. A little later a car came from the east. That car was intercepted by the people there. They damaged the car and those inside the car ran away. The people who attacked the car took away certain things from it. P.W.9 was taken to the house of Yesodharan (P.W. 18) by Gopalakrishnan, Nakulan and others. A little later a police jeep came from the east. P.W. 18 stopped the jeep saying that there was a boy who was hurt. P.W.9 was taken in the police jeep to the hospital at Choondupalaka junction. He stayed in the hospital for about 10 days under treatment. P.W.10 Thilakarajan Corroborates P.W.9's evidence. He says that when he went to the rescue of P.W. 9 he was stopped by Sivadasan and Gouthaman. Gouthaman beat him with a stick (അലക്കുവടി) on his left thigh. He was pushed down by Ramakrishnan, Sivadasan and Pochayil Vasavan. He fell on the ground and his right knee was hurt. A car was summoned to take P.W. 9 to the hospital. A little later a car came. That car was intercepted by the people who were there. As the driver put his head out, Pochayil Vasavan hit him with a stick (അലക്കുവടി). The car was then hit with a survey stone in the front and the rear. That was done by Sivadasan and others. He then says that he crossed the ferry and went back to his shop.

P.W. 10 went to the Chavara Police Station and gave the First Information statement (Ext. R1) at about 1 O'clock on the afternoon of the 19th regarding the attack on Devadasan and himself. P.W. 18 Yasodharan also speaks to these incidents. He was sleeping in his house. He heard a sound on the road. He came out and saw Pochayil Vasavan, Kadakath Sukumaran, Mangalath Ramakrishnan, Vylisseri Vadakkethil Asokan, Thivilakath Gouthaman, Marikkasseri Bhaskaran and other attacking Devadasan (P.W. 9) and Thilakarajan (P.W. 10). He saw K. N. Sukumaran hitting Devadasan with a sword-like weapon. He saw others beating Thilakarajan with sticks. P.W. 18 however stood away from them all. Thilakarajan lay on the ground and Devadasan sat underneath a coconut tree. 10 minutes later a car came from the east. The assailants who attacked P.Ws. 9 and 10 said that it was Suresh Babu's car. They started attacking the car with sticks. Then they took a survey stone and threw it at the car shattering the front glass. Then two or three people ran out of the car. Later the car was driven eastward. At that time P.W. 9 was carried to P.W. 18's house by Nakulan and Gopalakrishnan. Then he stopped a police jeep which came that way. P.W. 9 was taken to the hospital in that jeep. He accompanied P.W. 9, had him admitted in the hospital, and then went back home. Thus speak P.Ws. 9, 10 and 18 of the two incidents at Kolamthuruth.

9. The second incident is spoken to in greater detail by P.Ws. 4, 5, and 11. Before I discuss their evidence I shall refer to certain aspects of the testimony of P.Ws. 9, 10 and 18. P.W. 9 Devadasan says that he was hit thrice with a sword-like weapon. Yet there is no corroborating documentary evidence of the injuries sustained by him. The injury certificate or the body mahazar has not been produced. Nor has the petitioner produced a certified copy of the statement said to have been given by P.W. 9 to the Sub-Inspector of Police, Chavara on the 19th at 11 a.m. His injuries should have been, if the version given by him is correct, of a serious nature. It is incredible that no independent—evidence has been adduced on the point. P.W. 9 says that he gave a statement to the Sub Inspector of Police, Chavara at the hospital at about 11 a.m. on the 19th. P.W. 3, the Sub Inspector of Police, Chavara, who proves in cross-examination Ext. R1, which is the statement given by P.W. 10 Thilakarajan, was asked specifically in chief examination whether there was a complaint about the attack on Devadasan and Thilakarajan. His answer was that he did not remember any name. All that he knew was that there was a complaint about some strife between two groups of people on political grounds. The petitioner lost the opportunity to put to the Sub Inspector of Police a certified copy of P.W.9's statement, if such a statement existed. Apparently

no steps had been taken by the petitioner to obtain any such copy. In the circumstances P.W.'s testimony that he gave a statement to the Sub Inspector of Police at 11 O'clock in the hospital lacks credibility.

10. P.W. 10 gave a statement (Ext. R1) to the Chavara Police at 1 p.m: on 19-5-1982 about the attack on himself and Devadasan by the persons accused in Ext. R1. His statement refers to a contusion on his left thigh and an abrasion on his right knee. It further says that a car came to take P.W. 9 to the hospital; the car was intercepted and attacked by the persons accused in Ext. R1; the driver was hit on his head; and the car was damaged. What is significant to note is that he categorically asserts in his statement to the police that the car was brought to take P.W. 9 to the hospital. In his evidence as P.W 10, he admits that he was not aware at the time of his statement to the police that the car which was attacked was not the car summoned to take P.W. 9 to the hospital. He was under the impression that it was so. But he later knew that that was a car which was employed for election work carrying important leaders of the petitioner's group who were distributing materials for election work, such as slips and badges. He obtained this information only on the 19th. It is strange that, although he gave his statement to the police at 1 p.m. on the 19th, he was still not aware of the fact that the car which was attacked was the one which was engaged in the election work. P.W. 9 however says that he saw, while sitting under the coconut tree, some people carrying away things from the car. P.W. 18 claims to have seen the attack on P.W. 9, although he says that he was sleeping in his house when he woke up on account of the commotion outside. If P.W. 8's version is correct, he was attacked by Sukumaran immediately on his approaching him after crossing the canal. If that was so, P.W. 18 does not say the whole truth when he claims to have seen the attack on P.Ws. 9 and 10 without apparantly missing any part of it. The evidence of P.Ws. 9, 10 and 18 would suggest that the incidents did not take place in the manner suggested by the petitioner and much of what is stated by these witnesses can only be afterthoughts. The very fact that no evidence has been produced as regards the injuries suffered by P.W. 9 or the statement said to have been given by him to the police, or the fact that P. W. 10 did not have a case, until he came to this Court, that the car which was attacked was engaged in election work, strengthens this impression. The behaviour of P.W. 10 in returning to his shop soon after the attack without attending to his relative P. W. 9 who was presumbaly seriously hurt is also strange.

11. Krishnankutty Pillai (P.W.4) is the driver of the car K.L.Q. 7628 which P.Ws. 9, 10 and 18 have spoken about. He says that

Aliyarkutty (P. W. 11), Shamsuddin (P. W. 5) and Venugopalan (P. W. 6) were travelling in his car with materials in connection with the election work. They reached Kolamthuruthu at 1 a. m. on 19-5-1982. Certain persons intercepted the car. Pochayil Vasavan beat P. W. 4 on his head. Ramakrishnan and Asokan brought survey stones and hit the car in the front and the rear. The glasses were shattered. The bonnet and dicky of the car were damaged. He was totally unaware of what happened after he was hit. "അടി കൊണ്ടശേഷം എനിക്കൊന്നും അറിയാമായിരുന്നില്ല". Despite this, he saw them hitting the passengers with sticks. Strangely enough, the passengers themselves have no such complaint. He sat there for a while. When he became fully conscious he did not see the passengers in the car. The assailants took away the slips and other materials in the car. Then the people on the road shouted "Take it away" ("എടുത്തുകൊണ്ടുപോടാ") He somehow reached Edappallykotta. Later on the workers in the office took him in another car to the hospital at Choondupalaka Junction. He was treated there. He says he gave a statement to the police while at the hospital on the 19th at 10 a. m. No attempt has been made to produce a certified copy of that statement. No direct question was put to P. W. 3, the Sub Inspector of Police on this point when he was examined in chief. If P. W. 4 was beaten on the head as a result of which he was admitted to the hospital, there should be some evidence of his head injury. No attempt has been made to produce his wound certificate from the hospital or his body mahazar. In the absence of any evidence that he gave a statement to the police or that his injury had been noted by the police or by the hospital authorities, it is not possible to conclude that the incident involving P. W. 4 took place in the manner suggested by the petitioner. This is particularly so in view of a certain significant inconsistency of the plea with the evidence. I shall refer to it a little later. The petitioner himself has spoken of the two incidents, but he has no personal knowledge of them.

12. P.W. 5 Shamsuddin is the president of the Poroorkara Ward Congress (I) Committee. He was one of the passengers in the car. He speaks of the incident. He says that Pochayil Vasavan beat the driver on his head. None of the passengers in the car was attacked, but they ran away fearing that they also would be attacked. This evidence is inconsistent with the version of P. W. 4 who saw the passengers being hit with sticks. P. W. 5 heard, while running, the sound of the car being hit with something. He finally reached the Party booth office at Poroorkara and informed the workers of what happened. In cross-examination he says that Krishnankutty's head was injured (തലപൊട്ടി). Seeing this they ran away. He says that the driver was hit when he put his head out. But P. W. 4 does not say that he put his head out. P. W. 5 has apparently improved on the driver's testimony. P. W. 5 says that he informed the police about

the incident only on the 21st morning which was on the third day after the incident. But there is no evidence of any statement having been given by him to the police. P. W. 5 refers to the assailants as the workers of the 1st respondent.

13. Venugopalan (P. W. 6) is the Convener of the Panmana Village Election Committee. He was also one of the passengers in the car. He says: At Kolamthuruth near Kannattakadavu, on the northern side of Veliyil Sukumaran's house, some people were standing on the road. Seeing them the car was stopped. The driver put his head out. Pochayil Vasavan beat the driver with a stick. He specifically refers to the stick unlike the driver himself of P. W. 5. He then says that Ramakrishnan and Asokan brought survey stones and started hitting the car. Ramakrishnan was hitting in the front and Asokan in the rear. The three passengers then got out of the car and ran away. They went to the Party booth office nearby. He says that among the assailants Vasavan, Asokan, Sukumaran and Gouthaman are R.S.P. workers. Ramakrishnan is a Marxist Party worker. He went straight to the Party booth office. There were two workers in that office. It will then 1.30 a. m. But he did not tell them anything about the incident. This is indeed strange. He did not even inform the Cenral Committee Office. The police station was about 1 k. m. from the booth office. He did not inform the police of the incident. He however says that he gave a statement to the police on the 20th at about 9.30 p. m. while he was at the hospital after he was beaten by certain persons on the same evening at about 6.30. They attacked his house, and himself, his father and brothers were beaten. In that statement, he says, he mentioned the incident at Kannattakadavu also. A certified copy of that statement has not been produced. Nor has this specific information been elicited from P. W. 3 who speaks very generally on these matters in the absence of any documents to refer to. The petitioner could have summoned him to produce the necessary documents to speak to the relevant facts specifically. That was strangely enough not done.

14. P. W. 11 Aliyarkutty is the Convener and Treasurer of the petitioner's election committee. He was the other passenger in the car. He says that they were travelling in the car with the appointment orders of agents, badges and slips. They saw some people at Kolamthuruth standing in the middle of the road obstructing their way. The driver stopped the car and put his head out. Pochayil Vasavan then shouted that it was Suresh Babu's car and beat the driver on his head. Ramakrishnan and Asokan hit the car with survey stones. The three passengers ran away from the car. He says he went to the Chittur booth office first. There was a party worker there but strangely enough he did not tell him

anything about what happened. Then he went to the Election Committee Office and reached there at about 3 a.m. The petitioner, Advocate Kuttappan Nair and the chief election agent were in the office. From them he knew what happened to the driver P. W. 4. He did not make any complaint to the police about the incident.

15. What is strange about the evidence of these witnesses is that, notwithstanding a serious attack on their car involving a head injury to the driver, and theft of materials necessary for election work, there is no reliable evidence to show that a statement had been given to the police either by the driver or the other passengers of the car or the petitioner himself. There is no independent evidence to corroborate the interested testimony of these witnesses. The averment in the petition as regards the attack on the car is significantly inconsistent with the testimony of these witnesses on an important aspect. It is stated in the petition that the driver and the passengers of the car "fled for their lives. In the meantime the appointment orders of the polling agents, the badges and slips were taken away by force". This is not what the witnesses say. The driver remained in the car and drove it away. No one took the materials by force and there was no resistance to any seizure. All this divergence shows that the petitioner did not have a clear conception of the incident when the election petition was prepared and that it was left to the witnesses to develop a case in the witness box. In the circumstances it is highly doubtful that this and the earlier incident said to have occurred at Kolamthuruth happended in the manner alleged.

16. The 1st respondent who testified as P. W. 1 has clearly and emphatically denied all the allegations of the petitioner. He has not been shaken even a little bit in the lengthy cross-examination. He says that two crimes were registered on the 19th. The first one was registered by the Karunagappally Police at 10 O'clock on 19-5-1982 as Crime No. 81|82 (Ext. R2) which was later transferred to Chavara Police Station as Crime No. 67|82. The crime was registered on the basis of a statement given by Bhaskaran to the effect that himself and five supporters of the L.D F. were attacked by various persons including P. Ws. 9 and 10. The body notes of these persons were noted by the police. The first information statement (Ext. R2) has been proved by P. W. 3. This was the first crime relating to these incidents that was registered on that day. The second crime was registered as Crime No. 66|82 at 1 O'clock on the basis of the statement (Ext. R1) given by P.W. 10. R. W. 1 says that Ext. R1 is a counter-blast to Ext. R2. R. W. 1 further says that the persons who were the victims in Ext. R2, that is, Crime No. 67|82 (Crime No. 81|82) are not his agents, although they are his sympathisers. According to him the cause

of the trouble between the two rival groups did not emanate from the sympathisers of the L.D.F. who were in fact the victims of attack made on them by the petitioner's workers. This is R. W. 1's version. But there is no independent evidence to show from which side came the aggression. What is important to notice is that R. W. 1 has categorically asserted that none of the persons mentioned as the assailants in Crime No. 66/82 (Ext. R1) is an agent of the 1st respondent. He is not responsible for any one of the acts attributed to them. He has had no knowledge of their activities and none of them acted under his directions or with his consent.

17. In the Election Petition the petitioner does not, apart from certain general statements, specifically say that the two incidents at Kolamthuruth occurred with the consent of the 1st respondent. Nor does he say specifically that the assailants in those two incidents were the agents of the 1st respondent. All that he says in para 3 of the petition is that the car was stopped by "prominent partisans of the 1st respondent. He then refers to the assailants as the active workers of the 1st respondent, after narrating the two incidents, and after referring to various other matters which are not pressed at the bar, he says in para 5 of the petition:

> "The wholesale violence unleashed by the first respondent, his election agent and his other agents with his consent or his election agent's consent had created a sense of insecurity in the minds of the general public especially the timid among the voters both in the Chavara and Panmana Panchayats which were engendered as a direct consequence of these unlawful activities, threats and blackmail by the 1st respondent and his election and other agents with his and his election agent's consent. This has materially affected the prospects of the petitioner in the election and caused him to lose considerable number of votes."

This general statement appearing at the end of a long discussion of various matters which the petitioner's counsel has not pressed in the course of the arguments, is sought to be applied to the two incidents. The petitioner however does not pointedly pay that the two incidents in question occurred with the knowledge and consent of the 1st respondent or that Pochayil Vasavan, Sukumaran, Ramakrishnan, Asokan, Gouthaman and others were the agents of the 1st respondent and they acted with his consent.

18. In the written statement the 1st respondent has specifically stated in para. 6:

> "Vasavan, Gouthaman, Sukumaran and Ramakrishnan were not entrusted with any election work by this respondent or his election agent."

Earlier in that paragraph he says:

> "Except that some of them are sympathisers of Left Democratic Front, they were not authorised or engaged to carry out election work on behalf of this respondent. Neither this respondent nor his election agent had anything to do with this incident."

What is important to note here is that, in his written statement as well as in his testimony, the 1st respondent has clearly and categorically denied any knowledge or consent on his part or on the part of his election agent in regard to the acts attributed to Pochayil Vasavan, Sukumaran and others accused in Ext. R1 as the assailants in the two incidents or that they were his agents.

19. Not a single witness has spoken to the 1st respondent's involvement in any of the incidents alleged in the petition. There is not an iota of evidence to suggest that the 1st respondent or his election agent had any knowledge of the activities of the persons accused in Crime No. 66|82 (Ext. R1) and much less that any consent or authorisation had been given by either of them for such acts. There is no evidence to show that these assailants acted as agents of the 1st respondent. Except that these persons are referred to in the testimony of some of the witnesses as workers of the L.D.F. or of the R. S. P., no one speaks of them as agents of the 1st respondent. Shri Poti says that all these persons who were either members of sympathisers of the R. S. P. were workers and partisans of the 1st respondent. He therefore calls them agents. He points out that Panmana Panchayat was an uncertain and difficult area for the 1st respondent and that is why he wanted to intimidate the electorate so that the supporters of the petitioner would not exercise their franchise.

20. The 1st respondent has produced Ext. R19 which is a statement showing the details regarding polling in P. S. Nos. 33 to 41 falling with the Panmana Panchayat. In all these polling stations the petitioner secured more votes than the 1st respondent. The place of the two incidents is close to P. S. Nos. 35 and 36. Ext. R19 shows that in P. S. No. 35 and P. S. No. 36 the percentage of polling was 87.52 and 83.95, respectively. While the petitioner got 464 votes in P. S. No. 35 and 355 votes in P. S. No. 36, the 1st respondent received only 250 and 268 votes respectively in the two polling stations. In all the polling stations in Panmana Panchayat, i. e., P. S. Nos. 33 to 41, the percentage of polling was higher than the State average which was less than 80%. This belies the contention that the electorate in Panmana Panchayat was timid or that the

incidents alleged to have taken place during the night preceding the election had any effect whatever on the electorate. In the absence of any evidence to indicate that the 1st respondent had given his consent to the acts alleged to have been committed by the persons accused in Crime No. 66|82 (Ext. R1), the allegations regarding corrupt practice within the meaning of Section 123(2) will fall to the ground.

21. Shri Poti submits that the petitioner has no case that Section 100 (1) (d) (ii) is attracted. The allegations concerning corrupt practice which are pressed at the bar are based solely on the ground mentioned under Section 100 (1) (b) read with Section 123(1) and(2). Section 100 says:

> "*Grounds for declaring election to be void.*—(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—
>
> (a) .. .. ..
>
> (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
>
> (c) .. .. ..
>
> (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—
>
> .. .. ..
>
> (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or
>
> .. .. ..
>
> the High Court shall declare the election of the returned candidate to be void."
>
> (emphasis supplied)

I have extracted Clause (d) (ii) only to contract it with clause (b) which alone is relevant for the purpose of this case. To come within clause (b) of Section 100 (1), the corrupt practice, as defined under Section 123, should have been committed by the returned candidate or by his election agent or by any other person with the

consent of the returned candidate or his election agent. Any other person who acts with the consent of the returned candidate or his election agent may or may not be an agent other than an election agent. Even a stranger can come within the scope of Clause (b) Provided he had, for the corrupt practice committed by him, the consent of the returned candidate or the election agent. Such corrupt practice is one of the grounds on which the election of the returned candidate can be declared to be void. Where the corrupt practice has not been committed by the returned candidate or his election agent, the essential link to connect the candidate with the corrupt practice is the consent of himself or his election agent. In the absence of such consent, the corrupt practice committed by a third person cannot be attributed to the returned candidate and he cannot be saddled with its consequences. Clause (b) thus contrasts strikingly with Clause (d) (ii), which says that is a corrupt practice has been committed in the interests of the returned candidate by an agent other than his election agent, that would be a ground for declaring the election to be void, provided that the result of the election, in so far as it concerns the returned candidate, has been materially affected by such corrupt practice. Clause (d) has thus no application except in a case where the three conditions are satisfied: (a) the result of the election has been materially affected by the corrupt practice; (b) such practice has been committed by an agent other than an election agent; and (c) such agent acted or purported to act in the interests of the returned candidate. If these three conditions are satisfied, clause (d) is attracted, even if the agent acted without the consent of the candidate or the election agent. However in a case coming exclusively under Clause (b), as in the present case, the consent of the returned candidate or his election agent is a sine qua non. But once the consent is proved, the impact of the corrupt practice on the result of the election is immaterial and irrelevant. In view of the high percentage of polling in the polling stations in Chavara and Panmana and the success of the petitioner in securing more votes than the Ist respondent in polling stations 33 to 41, Shri Poti has rightly confined his arguments exclusively to Clause (b) of Section 100 (1). This implies that the petitioner has to prove that the persons mentioned as accused in Crime No. 66|82 (Ext. R1) acted with the consent of the 1st respondent or his election agent; but it is unnecessary for him to further prove that those men were the agents of the 1st respondent.

22. The corrupt practice mentioned in Section 100 as a ground for declaring the election to be void must be a practice which satisfies the definition of the term under Section 123. Sub-section (2)

thereof, which is the provision that is relevant to the two incidents described above, reads:

> "123. *Corrupt practices.*—The following shall be deemed to be corrupt practices for the purposes of this Act:—
>
> (1) .. .. ..
>
> (2) Undue fluence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right:
>
> Provided that—
>
> (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—
>
> (i) threatens any candidate or any elector, or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
>
> (ii) .. .. ..
>
> shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;
>
> .. ..
>
> (emphasis supplied)

For sub-section (2) to apply, the undue influence must have been exercised by the returned candidate or his agent or any other person with the consent of the candidate or his election agent. Any direct or indirect interference or any attempt to interfere with the free exercise of any electoral right would constitute under fluence. Any threat of injury of any kind directed against any candidate or any elector or any person in whom the candidate or an elector is interested comes within the meanings of undue influence. Any such undue influence is a corrupt practice within the meaning of sub-section (2).

23. An agent is defined for the purpose of this section as follows:—

> "*Explanation.—(1)* In this section the expression "agent" includes an election agent, a polling agent and any person who

is held to have acted as an agent in connection with the election with the consent of the candidate".

(emphasis supplied)

This means that no person can be regarded as an agent for the purpose of Section 123, unless he has been appointed as such or has acted as such in connection with an election with the consent of the candidate. In either event, consensus is the basis. While a general consent is implied in every appointment of an agent, specific consent has to be proved in particular cases when a person has not been appointed as such, but has held himself out as an agent. In the absence of proof of such appointment or consent, no person can be treated as an agent of the candidate. This would mean that the burden upon the petitioner to establish corrupt practice coming under sub-section (2) of section 123 cannot be discharged until he has proved that the 1st respondent or his "agent" or any other person acting with the consent of the 1st respondent or his "election agent" has been guilty of exercising undue influence as defined under the section. The main part of sub-section (2) of Section 123, as amended in 1958, speaks of 'agent' and 'election agent 'without, in my view, any distinction.

24. There is no allegation that any corrupt practice has been committed within the meaning of sub-section (2) by the election agent or by any other person with the consent of the election agent. The allegation is—I am here assuming that the vague averments mentioned above constitute sufficient plea—that the corrupt practice was committed by certain workers who are the agents of the 1st respondent. Although for the purpose of Section 100 (1) (b), it is unnecessarily prove that the assailants, that is, Pochayil Vasavan and others accused in Ext. R1 acted with the consent of the 1st respondent. In the absence of such proof, the 1st respondent can in no way be affected by or held responsible for the alleged misdeeds of those accused persons.

25. Prior to the amendment of Section 123 by Act 58 of 1958, consent on the part of the candidate or his election agent was not necessary to make the candidate liable for the act of a third person, provided he had concived at such acts. Undue influence was defined under Section 123 (2) prior to the amendment as follows:—

"123. *Major corrupt practices.*—The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) .. ..

> (2) undue influence, that is to say any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:
>
> .. .. .."

(emphasis supplied)

Connivance was then the connecting link between the candidate or his agent and the act of another. If any person acted with the connivance, though not with the consent, of the candidate or his agent, the sub-section was attracted. Under the amended Section, "connivance" is substituted by "consent". Connivance is shutting one's eyes to or winking at a thing that one dislikes but cannot help. Consent on the other hand is an agreement as to a course of action. (Shorter Oxford English Dictionary 3rd Edn.) There is but a shade of difference between the two words. But the distinction is clear and fundamental. While connivance arises from a nagative attitude on the part of the conniver, consent arises from consensus of agreement which cannotes a positive mental element. An agent was defined under Section 79, prior to its amendment as follows:—

> " 'agent' includes an election agent, a polling agent and a counting agent and any person who, on the trial of an election petition or of an offence with respect to any election, is held to have acted as an agent in connection with the election with the knowledge or consent of the candidate".

(emphasis supplied)

Knowledge was thus sufficient to constitute agency. It is no longer so after the amendment. "Knowledge" is now taken away from the definition of an agent for the purpose of Section 123 which I have already extracted. Consent is the essential basis of 'agency' for the purpose of the section. Referring to this fundamental distinction between the sections as they stood prior to the amendment and as they now stand, the Supreme Court states in *Samant N. Balakrishna v. George Fernandez* (A.I.R. 1969 S. C. 1201 at 122.):

> "Formerly the Indian Election Law mentioned 'knowledge and connivance' but now it insists on consent. Since reference to the earlier phrase has been dropped it is reasonable to think that the law requires some concrete proof, direct

or circumstantial of consent, and not merely of knowledge and connivance. It is significant that the drafters of the election petition use the phrase 'knowledge and connivance' and it is reasonable to think that they consulted the old Act and moulded the case round 'knowledge and connivance' and thought that was sufficient."

Knowledge and connivance would not taint the candidate with the corrupt practice of another. Proof of his consent is imperative. No consent can be inferred unless there is evidence to prove that the candidate has authorised or has undertaken to be responsible for the act of another (See: *Sri Harasingh Charan Mohanty v. Surendra Mohanty*—A. I. R. 1974 S. C. 47; *D. P. Mishra v. Kamalnarayan Sharma*—A. I. R. 1971 S. C. 856.).

26. If the alleged corrupt practice was committed by the 1st respondent or his election agent, the election would be void without further ade. But if the corrupt practice attributed to him is what has been done by a person other than an election agent, the burden is upon the petitioner to prove that it has been committed with the consent of the 1st respondent or his election agent. All this he must prove beyond reasonable doubt. As stated by the Supreme Court:

> "A charge of electoral corrupt practices being of a qusai-criminal character, the onus on an election petitioner is heavy as if in a criminal charge. The allegations must be established beyond reasonable doubt to the satisfaction of the court by cogent and unimpeachable evidence".
>
> (*Kanhaiyalal v. Mannalal*—A. I. R. 1976 S. C. 1886, para 20)
>
> "It is well settled that an allegation of corrupt practice must be clearly pleaded in the schedule. Corrupt practice being in the nature of a fraud, it is not permissible to plead one kind of fraud or one kind of corrupt practice and prove another though they may be interconnected". *(N. C. Zeliang v. Aju Newmai*—A. I. R. 1981 S. C. 8, para 16) See also 1975 S. C. 290; 1978 S. C. 1162.

27. Tested in the light of the principles stated by the Supreme Court, the allegations contained in the petition concerning corrupt practice within the meaning of section 123(2) read with Section 100(1) (b) must fail. The petitioner has failed to prove that the incidents took place in the manner suggested by him. His evidence as P.W.I has little value, for he relies entirely on what he was told

by others. The evidence of the eye witnesses, for the reasons which I have already mentioned, is so improbably that even if certain incidents had taken place involving the very same persons implicated in Ext.R1, they are not, in my view, proved to have taken place as suggested by the petitioner. These incidents on the basis of the allegations do not Constitute corrupt practice, in so far as the petitioner has failed to prove either direct or indirect involvement or consent on the part of the 1st respondent or his election agent in respect of what is alleged to have been done by others.

28. There is no evidence to suggest that the accused persons in Ext. R1 were the agents of the 1st respondent or they acted with his consent. The 1st respondent has categorically pleaded in his written statement denying any agency or other connection with those persons. Testifying as R.W.1 he says that he has had no connection whatsoever with or any knowledge of what was done by these persons. In the light of such categoric statements of the 1st respondent, and the total absence of any evidence on the part of the petitioner, I should have thought that Sri Poti would not urge the contention based on agency giving rise to a presumption of consent. But Shri Poti says that, although there is no positive evidence to support agency, nevertheless from the nature of cross-examination of P.Ws 1, 4 to 11 and 18 by the 1st respondent's counsel. It could be implied that the 1st respondent treated Pechayil Vasavan, Sukumaran and others as his agents. I do not agree. In my view, no such implecation can possibly arise in the present case from the nature of the cross-examination of the petitioner's witnesses. It is true that questions were asked about certain sympathisers of the L.D.F., who according to the 1st respondent, has been the victims of aggression on the part of the petitioner's supporters and workers. The fact that certain persons are referred to as sympathisers (അനുഭാവികൾ), or Leftists (ഇടതുപക്ഷക്കാർ) or workers (പ്രവർത്തകർ) does not make them agents of the 1st respondent. What is relevant for the purpose of this case, as I pointed out earlier, is not agency, but consent. But Shri Poti tries to establish relationship of agency, in order to draw the presumption of consent arising from such link.

29. Mere political affiliation or sympathy or close connections without more will not give rise to a presumption of consent or make a man an agent. As stated by the Supreme Court in *Shri Harasingh Charan Mohanty v. Surendra Mohanty* (A. I. R. 1974 S. C. 47:)

> "Consent or agency cannot be inferred from remote causes. Consent cannot be inferred from mere close friendship or other relationship or political affiliation. As pointed out in O.P. Mishra's case, (1971) 3 SCR 257=A.I.R. 1971

> S.C. 856, however close the relationship, unless there is evidence to prove that the person publishing or writing the editorial was authorised by the returned candidate or he had undertaken to be responsible for all the publications, no consent can be inferred."

That was a case of publication. But the principle holds good here too.

30. Shri. Poti says that the evidence of P. Ws. 1,7,8,14,16,19, 20, 24, and 25 in addition to what is spoken to specifically by P.Ws. 4 to 6, 9, 11 and 18 suggest that the electorate in Chavara and Panmana Panchayats were so intimidated by the law-lessness created by the 1st respondents men that they could not freely exercise their franchise. The evidence of these witnesses, in my view, does not show that the electorate were intimidated. Nor does it show that the persons who indulged in lawlessness acted at the behest or with the knowledge and consent of the 1st respondent or his election agent. In fact the high percentage of voting in Chavara and Panmana Panchayats comprised in P.S.Nos. 1 to 41 speaks elequently to the contrary. (See Ext. R19). The electors voted without fear or hindrance. The petitioner has failed to prove corrupt practice within the meaning of Section 123 (2) read with Section 100(1) (b).

31. The petitioner has further alleged that the 1st respondent is guilty of the corrupt practice of bribery within the meaning of Section 123(1) in so far as the Chavara Panchayat, of which Shri Vasu Pillai, the Chief election agent of the 1st respondent was the President, adopted a budget proving for exemption from house tax below the limit of Rs. 2 per year, and setting apart a sum of Rs. 50,000 to construct a stadium within the Panchayat. Bribery is defined under sub-section (1) of Section 123 as follows:—.

> "123. *Corrupt practices.*—The following shall be deemed to be corrupt practices for the purposes of this Act:—
>
> (1) 'Bribery', that is to say,—
>
> (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—
>
> (a) .. ..
>
> (b) An elector to vote or refrain from voting at an election, or................
>
> .. ..

It is contended that the budget providing for exemption from house-tax below the limit of Rs. 2 per year and construction of the stadium was an inducement to the electorate to vote for the 1st respondent or to refrain from voting for the petitioner. It is alleged that the budget adopted by the Panchayat was at the instance of its President Vasu Pillai who happened to be the 1st respondent's Chief election agent. News of these two provisions in the budget appeared in papers like Mathrubhumi and Malayala Manorama a week before the election. According to the Petitioner, Vasu Pillai was responsible for that news item. The 1st respondent has denied any knowledge of or connection with the publication of the news. He points out that the exemption from tax was granted by the Panchayat as a routine matter which is generally granted by other Panchayats also. He further says that the sum of Rs. 50,000 was set apart in the budget for the stadium as a token fund in view of the financial assistance extended by the Government as a part of the 7 point programme. The budget has thus provided for two routine matters coming within the jurisdiction of the Panchayats. There is nothing unusual about them or their timing. The budget was adopted as early as 19-4-1982 whereas the Panchayat President Vasu Pillai was appointed as the 1st respondent's election agent as late as 14-5-1982.

32. There is no evidence as to who was responsible for the publication of the news. It is quite likely that the news was given by the news reporters of the papers for which the President of the Panchayat was in no manner responsible. The Executive Officer of the Panchayat has not been examined by the petitioner. There is no evidence whatsoever to show that the news item appeared with the knowledge or consent of the Panchayat. Neither the editors of the concerned newspapers nor their reporters have been examined. They alone could have spoken to the source of the information on the basis of which the publication was made. In any case the resolution was passed at a time when the President of the Panchayat was not the chief election agent of the 1st respondent. The fact that he was appointed as an election agent almost a month later does not indicate in any manner that the budget was adopted with a view to inducing the electorate. Furthermore no elector has spoken to the publication having in any manner influenced him. The evidence of P.W.1 and P.W.35 on this point is so vague that no reliance can be placed on their testimony to connect the 1st respondent or his election agent with the Publication of the news item. In the absence of any independent evidence to support the petitioner's case and in view of the fact that these was nothing unusual in the matters provided for in the budget at a time when the President of the Panchayat was not the 1st respondent's election agent, I am of the view that the petitioner has failed to prove corrupt practice within the meaning of section 123(1) read with Section 100(1) (b) of the Act.

33. In the circumstances I find Issue No. 1 against the petitioner.

34. *Issue No.* 3.—It is alleged that mistakes and malpractices were committed by the counting staff as a consequence of which the result of the election has been vitiated. The petitioner testifies as P.W.1 that the counting hall was small and overcrowded with people and furniture. At Table No. 1 his counting agent, Yusuf Kunju (P.W.21) complained to the counting supervisor and the Returning Officer about many irregularities in counting. The petitioner (P.W.1) was present on one occasion when P.W.21 made the complaint. P.W.1, however, does not say to whom P.W.21 complained in his presence. At table No. 2 his agent Narendran (P.W.32) made complaints. So did Sethumohan Nath (P.W.23) at table No. 11. P.W.1 further says that the counting officer at table No. 15 was Sadanandan Pillai who was an active worker of the L.D.F. He did not fill up the forms correctly to show the counting results. The petitioner's votes were shown in the account as the votes of the 1st respondent and those of the 1st respondent were shown as votes of the petitioner. The counting agents complained to the Assistant Returning Officer and the Returning Officer about these irregularities. P.W.1 says that one Alex Thamarasserry who was the counting agent at table No. 14 made most of the complaints. But strangely enough Alex Thamarassery has not been examined or even cited as a witness. The evidence of P.W.1 respecting counting irregularities is based mostly upon that he has heard from Yusuf Kunju (P.W.21) who was the counting agent at table No.1.

35. P.W.21 detected certain irregularities at his table. The counting assistant Padmakanan mixed the petitioner's votes with those of the 1st respondent. The witness first thought that it was a mistake. When this was repeated he protested. Counting assistant Padmakaran then told the witness that he could complain to the Returning Officer and he should not shout in the hall. But when Padmakaran repeated the irregularity, the witness complained to the Assistant Returning Officer (P.W.13) who warned Padmakaran. Nevertheless Padmakaran continued to mix the petitioner's votes with those of the 1st respondent. The witness says that since sorting and building were simultaneously done it was difficult for him to concentrate on what Padmakaran was doing. The witness did not, however, tell the petitioner who was in the counting hall untill the eounting was over and the re-count application was submitted by the petitioner. The reason stated by him for not telling the petitioner earlier is that the hall was too overcrowded and that he was too busy watching the sorting and counting. When he complained to the counting supervisor about the simultaneous sorting and counting, he was told that that was the only way

to finish the work. The witness does not remember the name of the counting supervisor. This witness is a practising advocate. He is by no means a timid person. He had the courage to stop the jeep in which the District Panchayat Officer, Natarajan (P.W.2) was travelling and to compel him to go to Panmana Panchayat to administer a warning to Pankajaksha Kurup, the head clerk against this participation in election work. P.W.2 who was the Returning Officer at Kunnathoor was on his way to Sasthamcottah for polling station inspection. P.W.21—forced P.W.2 to change his route and proceed straight to Panmana Panchayat. If this witness was bold enough to do all that, I do not believe that he was easily intimidated by the counting assistant Padmakaran or the counting supervisor when he pointed out certain irregularities. It is incredible that this witness who is an advocate and a courageous person could not talk to the petitioner or the Returning Officer merely because of the crowd in the hall, although, according to the witness, Padmakaran kept on repeatedly putting the petitioner's votes into the compartment of the 1st respondent The witness was or ought to have been well aware of the consequences of such a highly objectionable and irregular act on the part of the counting officer. Even when the counting was over and before the petitioner's application for re-count was submitted, this witness had not bothered to tell the petitioner about what he saw. It is true that he says that no complained to the Assistant Returning Officer (P.W.D.13). But despite the officer's warning Padmakaran repeat his irregular actions. Yet this witness kept quiet. If P.W.21 repeatedly saw the irregularities being committed by Padmakaran, it is unbelievable that he would not have requested him to retrieve the votes of the petitioner from the compartmen tof the 1st respondent. He does not say that he has done it, although the petitioner's counsel Shri Poti suggests that he might have done it. I am prepared to accept that it was so. In that event not a single vote was lost to the petitioner at the table. If it was not so, it would be most unnatural and no value in that event could be attached to what P.W.21 says on the point.

36. P.W.13, Sisupalan, the Assistant Returning Officer, Corroborates the evidence of P.W.21. But I do not attach much Value to his evidence. He says he was going round the hall during counting while the Returning Officer (P.W.12) says that P.W.13 was sitting close to him on the platform. It is difficult to believe that P.W.13 was roaming round the hall when he was expected to be assisting the Returning Officer on the platform. P.W.13 is an officer under suspension for certain alleged irregularities connected with this countersigning certain false bills, under which amounts had been drawn, while he was the Chavara Block Development Officer

37. B. Narendran (P.W.22) was the counting agent at table No. 2. He says that one bundle of the petitioner contained 55 votes, while another bundle of the 1st respondent contained only 45 votes. This happened when votes in box No. 62 were counted. He brought this to the notice of P.W.13. The error was immediately corrected and the counting officer was warned against repetition of such mistakes. This happened again when votes from box No. 102 were counted. That was also corrected in the presence of A. N. Sasidharan Pillai, the chief election agent of the petitioner (P.W.25) when the mistake was pointed out. He does not specifically mention any other mistake, although he suspects similar mistakes. But there is no evidence. He did not tell the petitioner about this irregularity until the counting was over. It is strange that he did not bother to inform the pertitioner immediately on noticing the mistake, although the petitioner was in the hall. Even if the testimony of this witness can be believed, there is still no evidence that any vote was lost to the petitioner on account of the mistakes, because they were corrected as soon as they were noticed. Sethumohan Nath (P.W.23) was the counting agent at table No. 11. He says that lots of irregularities were committed at his table. But because sorting was done simultaneously by three person, he could note watch them carefully. However, after he complained, the counting was done by one person alone. He says that the petitioner's votes were mixed with 1st respondent's votes. He complained to the Chief election agent (P.W.25) when he came to his table. All that P.W.25 told him was that he would report to them Assistant Returning Officer (P.W.13). One wonders why no immediate action was taken by the witness or at any rate by P.W.25 when he heard about the complaint. The witness does not say that the votes so irregularly mixed were retrieved. He did not report to the petitioner about the irrigularity at his table until the counting was over and they all left the hall. But he told the petitioner before he submitted his application for re-count. The evidence of this witness does not throw any light on the actual loss of votes, if any, by the petitioner. He neither says that votes were lost on account of irregularity nor does he say that he retrieved them when he saw the mistakes. If he did not retrieve them, or then and there make a complaint about the irregularities to the petitioner or to the Returning Officer, it was highly unnatural. If he had retrieved them as soon as he noticed the errors, the petitioner did not lose any vote at his table.

38. Sasidharan Pillai, *alias* Anakottu Sasi, the petitioner's chief election agent (P.W.25) says that he and the petitioner were in the counting hall. The hall is an open shed with fullwalls on the north and south and half walls on the west and east. The

gaps were covered with bamboo mast. Accordingly to him, the hall was over-crowded with people. The petitioner's. counting agents were watching at the tables. He says that P.W. 22 complained to him about a bundle of the petitioner containing more than 50 votes. But the mistake was corrected. He was present when the petitioner made the application for re-count. He admits that the petitioner did not ask for any definite time to prepare the re-count application. He says that counting hall was too small. But he admits that in 1980 the counting in the Parliamentary and the Assembly elections took place in the very same hall. Although he thought that the hall was small, he did not tell the petitioner about it or complaint to the Returning Officer. He says that he did not see Jyothi, the Assistant Finance Secretary who, according to the petitioner and the Returning Officer (P.W.12), was sitting on the platform all the time. This witness also does not say that on account of any counting irregularity any vote was lost to the petitioner.

39. Although the petitioner (P.W.1) and his supporting witnesses have spoken of the hall being small and over-crowded, the Returning Officer T. C. Balakrishnan Nair (P.W. 12) thinks that the hall was large enough and there was a lot of space left unused. He says that the hall was about 100 feet long and do. feet wide. There were not move then 100 people in the hall. He had no difficulty in supervising the counting. There was no complaint from anybody during the counting as regards the size of the hall or the facility for counting work or the manner in which counting was conducted. The postal votes were counted first. He himself personally examined doubtful votes. The candidates and their election agents were present on the platform at the time of such scrutiny. Counting started exactly at 8 a.m. and it was over by 1 0'clock. He does not remember any one having made any complaint against Sadanandan Pillai or any other officer. After he completed Form 20, the petitioner asked for a re-count.. He says that he had not asked the petitioner to submit the written re-count application within a limited time. The petitioner did not ask for any particular time for the preparation of the application. The evidence of this witness shows that the counting took place peacefully and quietly in the hall which was large anough for the purpose. Not a single complaint was brought to his notice during counting. In cross-examination he says that he was not prepared to deny the suggestion that the hall was 200 feet long. R.W.1 however says that the hall is 186 feet long and 20 ft. wide. Whatever be the correct size of the hall, the evidence of P.W.12 shows that the hall was large enough and there was free space on the northern side. The Assistant Finance Secretary to the Government Shri Jyothi was sitting next to him on the platform. The

Assisant Returning Officer (P.W.13) was also sitting next to him on the platform. The evidence of P. W. 12 as regards sufficient time having been given to the petitioner to prepare the re-count application stands corroborated by P.W.25, the chief election agent of the petitioner.

40. The petitioner's application for re-count, Ext. R3 is vague. This is what he says: "എനിക്കു പ്രസ്തുത (122 ചവറ L. A. constituency) നിയോജകമണ്ഡലത്തിലെ മൊത്തത്തിലുള്ള വോട്ട് എണ്ണിയതിലും. അസാധുവായ വോട്ട് മാററിയതിലും പിശകു പററിയിട്ടുണ്ട്. എന്ന് ബലമായ സംശയം ഉള്ളതിനാൽ രണ്ടാമത് ഒന്നുകൂടി വോട്ട് എണ്ണണമെന്നും. അതുവരെ ഫലം പ്രഖ്യാപിക്കരുത് എന്നും ഇതിനാൽ അപേക്ഷിക്കുന്നു."

A detailed order (Ext. P4) was passed by the Returning Officer (P.W.12). He says in Ext. R4 that the petitioner had appointed 21 counting agents. He and his chief election agent were present in the counting hall throughout. He had all facilities at the counting tables to watch the counting. No doubt or objection was raised by him or any other candidate or agent during counting. When Ext. R3. application was received the Returning Officer called every counting supervisor and questioned him in the presence of the petitioner as to matters stated in Ext.R3. Each counting supervisor confirmed that the counting agents of the candidates were fully satisfied with the way in which counting was done at his table. No objection was raised by the petitioner or any other person as and when the number of votes polled by each candidate from each polling station was announced. Considering all these aspects, the Returning Officer held that the request for re-count was frivolous, unreasonable and without any valid ground. Accordingly Ext. R3 was rejected. In my view the officer was perfectly justified in doing so. There is no reliable evidence whatsoever to substantiate the contention that irregularities occurred during counting. It is not established that any mistake was committed either accidently or deliberately as a result of which the petitioner lost votes. In my view the evidence suggests that the counting was conducted properly and regularly. In the circumstances, the petitioner was failed to prove that the result of the election, in so far as it concerns the 1st respondent, has been materially affected by the improper reception, refusal or rejection of any vote or the reception of any vote which is void. Issue No. 3 is accordingly found against the petitioner.

41. *Issues Nos.* 4 *and* 5.—There is no evidence to prove that the election of the 1st respondent is void for any of the reasons alleged by the petitioner. The petitioner has failed to prove any corrupt practice or irregularity or mistake. None of the allegations urged by the petitioner's counsel at the bar stands proved. The various

other allegations mentioned in the petition, but not discussed by me have not been urged at the bar. In the circumstances, the petitioner is not entitled to any relief in this proceeding. The Election Petition is accordingly dismissed. The petitioner shall pay to the 1st respondent a sum of Rs. 2,000 as his costs, towards which the amount deposited by the petitioner in this Court shall be adjusted.

42. The Registrar shall immediately intimate the substance of this decision to the Election Commission and the Speaker of the Kerala Legislative Assembly and shall thereafter send as urgently as possible an authenticated copy of this judgement to the Election Commission, as required under Section 103 of the Representation of the People Act, 1951.

(Sd.)

4th November, 1982. T. KOCHU THOMMEN,
Judge.

Petitioner's Exhibits:

P1		മാതൃകാബാലറ്റ് Published by Election Committee, U.D.F. Chavara.
P2	7-5-1982	Copy of order No. J. 4312|82 of the Returning Officer, 122 Chavara L.A.C.

Respondents Exhibits:

R1	19-5-1982	Copy of F.I.R. filed before the Judl. Magistrate of First Class, Karunagappally in C.C.No. 66|82 of the Chavare Police station.
R2	19-5-1982	Copy of F. I. Statement in Karunagappally Police station in Crime No. 81|82 (in the court of the Judl. Magistrate of the 1st Class, Karunagappally).
R3	20-5-1982	Copy of petition of Sri. K. Suresh Babu submitted to the R.O., 122 Chavara L.A.C.
R4	20-5-1982	Copy of order of the R. O. No. 122, Chavara L.A.C.

R5	20-5-1982	Copy of Final result sheet of No. 122, Chavara L.A.C.
R6	2-10-1979	Pamphlet published by the Election Commission of India.
R7		മാതൃകാബാലററ് of No. 122 Chavara No. L.A.C.
R8		Voters list of P.S.No. 33 of No. 122 Chavara L.A.C.
R9		Voters list of P.S.No. 34
R10		do. of P.S.No. 35
R11		do. of P.S.No. 36
R12		do. of P.S.No. 37
R13		do. of P.S.No. 38
R14		do. of P.S.No. 39
R15		do. of P.S.No. 40
R16		do. of P.S.No. 41
R17		Copy of statement showing in each polling stations
R18		മാതൃകാബാലററ് published by the L.D.F.
R19		Copy of statement showing the details regarding the polling booth Nos. 33 to 41 Panmana Panchayat.

Petitioners Witnesses:

1. Sri. K. Suresh Babu, Petitioner.
2. Sri. N. Natarajan
3. Sri. C. Narendranath
4. Sri Krishnankutty Pillai
5. Sri E. Shamseddia
6. Sri Venugopalan
7. Sri Seman
8. Sri Bhaskaran
9. Sri Devadasan
10. Sri Thilaka Rajan

11. Sri E. Aliyarkutty
12. Sri T. C. Balakrishnan Nair
13. Sri V. Sisupalan
14. Sri S. Sivadasan
15. Sri C. Soman Pillai
16. Sri K. Sivadasan
17. Sri D. Asokan
18. Sri Yesodharan
19. Sri Mohammed Kunju
20. Sri Rajan, V.
21. Sri Yusuf Kunju
22. Sri B. Narendran
23. Sri Sethumohan Nath
24. Sri Basheer Kunju
25. Sri A. N. Sasidharan Pillai

Respondents Witness:

RW1 Sri Baby John, 1st respondent.

Costs to 1st respondent Rs. 2,000

(Sd.)
Assistant Registrar.

By order,
(*Sd.*)
V. K. RAO,
Under Secretary to the Election Commission of India.

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